LOCATED ON THE NORTH SIDE WINANDS ROAD, 590' EAST OF THE CENTERLINE TULSEMERE ROAD * BALTIMORE COUNTY (LYONSWOOD SOUTH)

* CASE NO. 91-330-A 2ND ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT * * * * * * * * * * *

OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner granting the requested Petition with restrictions. Appeal from the Deputy Zoning Commissioner's Order was entered by Mr. Max Oppenheimer, Protestant/Appellant.

On January 22, 1992, the Board was in receipt of a letter from Mr. Oppenheimer which asks that the Board dismiss the abovereferenced appeal. Accompanying this letter was a telefax from counsel which the Board will put into the case file but which will not be a matter of record. In addition, a letter to John B. Gontrum, Esquire, Counsel for Petitioner, from Max Oppenheimer was telefaxed to the Board the day of the hearing and that will also be entered into the case file.

Additionally, Mr. Oppenheimer had personal telephone conversation with the Board Chairman and indicated that it was his desire to dismiss his appeal without any conditions attached whatsoever. In consideration of all the aforegoing, the Board is of the opinion that Mr. Oppenheimer's appeal should be dismissed without any conditions attached and will so order.

Pikeswood Civic Association, and nearby property owner. Appearing as an interested party was Mox Oppenheimer, a resident of Winauds Road. There were no Protestants.

Testimony indicated that the subject property consists of 35.32 acres goned D.R. 3.5 and is known as Section 11 of the development known as Lyonswood located off of Winands Road. The Lyonswood development conpisc, of 154.17 acres of which 35 acres are lattributable to Section II. Estitioners—are desirous of developing the property with 101 single family. -twelling units. Petitioners called Thomas Repsher, Director of Land Planning for Daft-McCune-Walker, Inc., with 20 years experience in landscape architecture. Mr. Repsher testified in detail as to each of the variances requested by Petitioners and the overall development plan for Sections I Hig II of Lyonswood. Petitioners contend that due to the unique shape of fre rots, the areas to be reserved for the future right-of-way and the County Greenway Reservation, the requested variances are necessary. Petitioners noted that the plan had been modified both to address the comments $-\alpha \ell$ the surrounding community, many of which have been incorporated in a covenant agreement between Petitioners, the Pikeswood Civic Association and surrounding community, and the Office of Planning. Testimony presented by both Mr. Repsher and Mr. Gavrelis concluded that, in their opinion the granting of the variances will not result in any detriment to the health, safety or general welfare of the community. Petitioners argued to deny same would be unnecessarily burdensome and introduced photographs and yideo tabe of communities similar in design and nature to that proposed.

In their opinion, the spirit and intent of the regulations will be met. Warren Epstein, President of the Pikeswood Civic Association, a Case No. 91-330-A Blackhorse Run Joint Venture

ORDER

FOR THE AFOREGOING REASONS, IT IS THEREFORE this 23rd day of danuary , 1992 by the County Board of Appeals of Baltimore County ORDERED that the above-referenced appeal in Case No. 91-330-A be and the same is hereby unconditionally DISMISSED.

proposed site, testified as to their support of the relief requested. He

emphasized how long the community and developer had worked together to

create a development compatible with the surrounding neighborhood. He

indicated that in the opinion of the Pikeswood Civic Association, the

granting of the variance will not result in any detriment to the health,

safety or general welfare of the community. Mr. Epstein further empha-

sized that the proposed development of single family homes, as set forth

in Petitioner's Exhibit 1, is greatly preferred by the community as being

more compatible than the townhouse and condominium development originally

zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical

1) whether strict compliance with requirement would

unreasonably prevent the use of the property for a

permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial injustice

to applicant as well as other property owners in the

district or whether a lesser relaxation than that

3) whether relief can be granted in such tashion

that the spirit of the ordinance will be observed and

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

extensively to design a development that meets the concerns of the abut-

ting established community and the Office of Planning, and is within the spirit and intent of the zoning regulations. The variances are being

The undisputed testimony indicated that Petitioners have worked

applied for would give substantial relief; and

public safety and welfare secured.

difficulty for an area variance, the Petitioner must meet the following:

An area variance may be granted where strict application of the

proposed by Petitioners.

burdensome;

(1974).

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

il unam I Vannet William T. Hackett, Chairman 2

Harry E. Buchheister, Jr.

IN RE: PETETION FOR ZONING VARIANCE * BEFORE THE N/S Withauds Road, 5901 E of the c/l of Tulsemere Road * DEPUTY MONING COMMISSIONER and stortion District * OF BALTHMORE COUNTY 2nd Councilmanic District * Case No. 91-330-A Blackhorme Run Joint Venture (Lyonswood South) - Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

fine Politioners herein request a variance to permit building separations for bots I through 101, inclusive as follows: 1) building to adjoining lot garage separations of 10.5 feet in lieu of the required 30 feet for building neights between 25 feet and 30 feet, 2) building to building separations of 'O feet in lieu of the required 30 feet for beights between 25 feet and 30 feet, and garage to adjoining for garage separations of 10.5 feet in lieu of the required 16 feet for building helahis between 0 feet and 30 feet. Petitioner also requests a variance to permit window to tract boundary separations of 30 feet in lieu of the required 35 feet for bots 6, 7, 67, 75, 76 and 100; a side window to side window .cparation for hols 1 through 101 of 20 feet in lieu of the required 40 feet; a rear window to rear window variance of 30 feet in lieu of the required 40 feet for Lots 13 through 34; a window to property line separation of 7.5 feet in lied of the required 15 feet for Lots 1 through 10); and a window to street right-of-way separation of 20 feet in lieu of the required 25 feet for bots 1 through 5, bots 8 through 11, Lots 14 through 36, hois 40 through 61, hots 64 through 66, hots 68 through 80, Dots 83 through 87, Lots 90 through 93, and Dots 97 through 100. Petitioners also request a variance to permit garage carport to street separations 20 feet in lieu of the required 22 feet for Lots 1 through 5, Lots 8

inrough 11, Lots 14 through 36, Lots 40 through 61, Lots 64 through 66. hots 68 through 80, Lots 83 through 87, Nots 90 through 93, and Lots 97 through 100. Petitioners further requested, assuming that the aforementioned variances requests are granted, the following variances for open, unroofed decks or patios to project into required yards as set forth above, alt in lieu of the required 25 percent maximum as follows: 1) a window to tract boundary for Lots 1 through 4, Lots 6 and 7, Lots 9 and 10, bots 51 through 55, bots 67 through 72, bots 75, 76 and 100 (building setback per variance is 30 feet; variance request of 15 feet in lieu of the required 22.5 feet and normal 26.25 feet); 2) a building to tract boundary variance of 15 feet in lieu of the required 22.5 feet for Lots 1 through 4, Lots 6 and 7, Lots 9 and 40, Lots 51 through 55, Lots 67 through 72, and Lots 75, 76 and 100; 3) a window to side lot line variance for both i through 101 (building setback per variance is 7.5 feet; variauce request of 4 feet for decks and 2 feet for patios in lieu of the required 5.63 feet and normal II.25 [eet); 4) a rear lot line variance for lots I through (01 (building setback is 15 feet; variance request of 4 feet for decks and 2 feet for patios in lieu of the required [11.25] feet); (b) and a window to street right-of-way (Winands Road and Future Road) Right-of-way Reserve) variance for Lots 1, 27 through 31, Lots 34 through 48, Lots 50 and 51, Lots 62 through 67, and Lots 96 through 98 (Building setback is 25 feet; variance request of 15 feet in lieu of the required 18.75 feet), all as more particularly described on Petitioner's Exhibit 1.

The Potitioners, by Edward A. Personette, Jr., General Partner, appeared, testified and were represented by John B. Gontrum, Esquire. Also appearing on behalf of the Petition were Thomas H. Repsher, George E. Gavrelis with Daft-McCune-Walker, Inc., and Warren Epstein, President,

- 2-

granted with reservation by the Deputy Zoning-Commissioner due to the overwhelming support for the development by the community and the Office of Planning. However, the restrictions hereinafter set forth are being imposed due to the proximity of the houses and use of panhandle lots.

-H is clear from the testimony that if the variance are granted, as hereinafter modified, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Bartimore County this 31 that of May, 1991 that the Petition for Zoning Variance to permit building separations for hots 1 through (01, inclusive an follows: 1) building to adjoining lot garage separations of 10.5 feet in lieu of the required 30 feet for building heights between 25 feet and 30 feet, 2) building to building separations of 20 feet in lieu of the required 30 feet for heights between 25 feet and 30 feet, and garage to adjoining lot garage separations of 10.5 feet in lieu of the required 16 teet for building heights between 0 feet and 20 feet; in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions hereinafter set forth; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit window to tract boundary separations of 30 feet in lieu of the required 35 feet for Lots 6, 7, 67, 75, 76 and 100; a side window to side window separation for Lots 1 through 101 of 20 feet in lieu of the reof the required 40 feet for Lots 13 through 24; a window to property line separation of 7.5 feet in lieu of the required 15 feet for Lots 1 through 101; and a window to street right-of-way separation of 20 feet in lieu of the required 25 feet for Lots 1 through 5, Lots 8 through 11, Lots 14 through 36, Lots 40 through 61, Lots 64 through 66, Lots 68 through 80, Lots 83 through 87, Lots 90 through 93, and Lots 97 through 100, in accor-

the restrictions hereinafter set forth; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variances to permit garage carport to street separations of 20 feet in lieu of the required 22 feet for Lots I through 5, hots 8 through 11, Lots i4 through 36, Lots 40 through 61, Lots 64 through 66, Lots 68 through 80, Lots 83 through 87, Lots 90 through 93, and Lots 97 through 100, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions hereinafter set forth; and,

dance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, to

IT IS FURTHER ORDERED that the Petition for Zoning Variance for open, unroofed decks or patios to project into required yards as set forth above, all in lieu of the required 25 percent maximum as follows: 1) a window to tract boundary for Lots 1 through 4, Lots 6 and 7, Lots 9 and 10, Lots 51 through 55, Lots 67 through 72, Lots 75, 76 and 100 (building setback per variance is 30 feet; variance request of 15 feet in lieu of the required 22.5 feet and normal 26.25 feet); 2) a building to tract boundary variance of 15 feet in lieu of the required 22.5 feet for Lots 1 through 4, hots 6 and 7, Nots 9 and 10, Lots 51 through 55, hots 67 through 72, and Lots 75, 76 and 100; 3) a window to side lot line variance for Lots 1 through 101 (building setback per variance is 7.5 feet; vari-

resignified Sections and normal Hess (set); 4) a rear lot line variance for Taken I through (0) (building selback is the feet; variance request of 4) test for docks and been for parios in flowed the required 11.25 foot); (6) and a window to sincer right-of-way (Winands Road and Future Read Right-of-way Reserve) variance for both 1, 27 through 31, bots 34 through 18, Lors 50 through 51, Lota 62 through 67, and Lots 96 through 98 (Buildand solback is 25 reet; variance request of ib teel in fiel of the required (8.75 feet), in accordance with Petitioner's Exhibit 1, be and is horoby GRANTED, subject, however, to the tollowing restrictions which are conditions precedent to the relief granted:

> T) The Petitioners may apply for their building pormits and be grapted same upon receipt of this Order; however, betitioners are hereby made aware that procooding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to lits. original condition.

> 2) prior to the issuance of any building permits, the Homeowners' Association Covenants shall be prepared and recorded among the Land Records of Ball imore County. These covenants shall contain, among other provisions, the following: Provisions for lot landscaping and fencing restrictions including provicions for review and approval of tence types on all lots. These restrictions shall be submitted to the Office of Planning for review and approval prior to the recordation of said Covenants.

3) Neither Petitioners, nor any future property owner of any lot, shall allow or cause any garage to be converted to a second dwelling unit and/or apartments. No living or steeping quarters, and no kitchen, bathroom, and/or plumbing facilities are permitted in the areas designated as garages.

4) All panhandle driveways and lots contained in the development shall be blacktopped with asphalt paving by Petitioners and/or their successor in interest, prior to the transfer of any lot.

- 1:-

(a) All panhandle lots and driveways on Courts A, C, and b shall be restricted as follows:

Count A:

a) on hot is adjacent to the its tool paved page handle driveway serving Lots H., 12 and H., a 10 foot wide grass strip, free of improvements, shrubbery or trees, shall be maintained by all of the owners served by the panhandle driveway for overflow parking by the owners served by the driveway or by their guests. A mountable curb, if curbing is required by Baltimore County, shall be provided along the paved driveway to the graps shoulder by Ectitioners and/or their success sor in interest.

b) Improvements to Lots 9, 10, 11, 12, 13, 14, and 15 shall include a garage suitable for packing at least one car.

Court C:

a) On the side closest to not 36 opposite the paved panhandle driveway serving bots 37, 38 and 39, and adjacent to said paved driveway, a 10-foot wide grass strip, free of improvements, shrubbery or trees, shall be maintained by all of the owners served by the panhandle driveway for overflow parking by the owners served by the driveway or by their guests. A mountable curb, if curbing is required by Baltimore County, shall be provided along the paved driveway to the grass shoulder by Petitioners and/or their successor

b) Improvements to Lots 37, 38 and 39 shall include a double-car driveway in addition to a garage multable for parking at least one car.

Court D:

a) On the side opposite the paved panhandle driveway from entrances to Lots 94, 95, 96 and 97, and adjacent to said paved driveway there shall be provided a 10-foot wide grass strip, free of improvements, shrubbery or trees, shall be maintained by all of the owners served by the panhandle driveway for occasional overflow parking the owners served by the driveway or by their guests. A mountable curb, if curbing is required by Baltimore County, shall be provided along the paved driveway to the grass shoulder by Petitioners and/or their successor in interest.

(b) improvements to rots 94, 95, 96, and 97 must all include a garage suitable for parking at least one.

6) Frior to the issuance of any building permits, a record post shall be filed among the Land Records of Baltimore County referencing this case and the restric-Tions and conditions set forth mercin.

(7) Any and all deeds issued for the subject property shall reference this case and the restrictions and conditions set forth herein.

(a) bandscaping shall be in accordance with that set forth on Pages 5 and 6 of Petitioner's Exhibit 5 and/or as modified by the Director and/or Deputy Direccor of Flanning.

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of This Order.

> 11- March 18 .. ANN M. NASTAROWICZ

for Baltimore County

Deputy Zoning Commissioner

AMN:b)s

111 West Chesapeake Avenue Towson, MD 21204

887-3353

May 30, 1991

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

John B. Gontrum, Esquire 814 Eastern Boulevard Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE N/S Winands Road, 590' E of the c/l of Tulsemere Road (Section II, Lyonswood) 2nd Election District - 2nd Councilmanic District Blackhorse Run Joint Venture (Lyonswood South) - Petitioners Case No. 91-330-A

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

1/2 Milliohen ANN M. NASTAROWICZ

Deputy Zoning Commissioner for Baltimore County

cc: Mr. Max Oppenheimer 9505 Winands Road, Baltimore, Md. 21208

People's Counsel

AMN:bjs

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-3304 The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a (see attached) ______

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the

following reasons: (indicate hardship or practical difficulty) Following the Zoning Regulations on this Site would result in either an increase in density incompatible with surrounding community and Master Plan or would lower density so as to create an inharmonious development as one that is virtually unworkable thereby creating a practical difficulty.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/w are the legal owner(s) of the propert which is the subject of this Petition. Legal Owner(s): Contract Purchaser: Blackhorse Run Joint Venture (Type or Print Name) (Lyonswood South) (Type or Print Name)

Address _____

Signature

102 West Pennsylvania Avenue #404 Phone No. 825-6662 Towson, Maryland 21204

Romadka, Gontrum & Hennegan Clty and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted

_______ 301-686-8274 Attorney's Telephone No.:

Zoning Commissioner of Baltimore County

ORDERED By The Zoning Commissioner of Baltimore County, this . 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore Robert Joines

->>TK - 1/28/11 P1 + 19 - 11 +

City and State

City and State

Attorney for Petitioner:

JOHN B. GONTRUM

(Type op Print Name)

814 Eastern Boulevard

Essex, Maryland 21221

Lyonswood Section 2 Job No. 89143.A

<u>Listing of Variances Requested</u>

Part I. A. Variance for building separations for Lots 1 - 101 inclusive as follows: Section 1B01.2.C.1 B.C.Z.R. and CMDP Section V.B.3 pursuant to Section 504 B.C.Z.R. for Building Separations as

> 1. Buildings to Adjoining Lot Garage: 10.5' separation in lieu of the required 30' for heights between 25' and 30';

2. Building to Building: 20' separation in lieu of the required 30' for heights between 25' and 30';

3. Garage to Adjoining Lot Garage: 10.5' separation in lieu of the required 16' for heights between 0' and 20';

B. Variance for Lots 6, 7, 67, 75, 76, and 100: Section 1B01.2.C.-2.a B.C.Z.R. and CMDP Section V.B.5.a. pursuant to Section 504 B.C.Z.R. to permit Window to Tract Boundary separations of 30' in lieu of the required 35'

C. Section 1B01.2.C.2.b B.C.Z.R. and CMDP Section V.B.6.c pursuant to Section 504 B.C.Z.R. to permit Window to Window Separations as follows:

1. Variance for Lots 1 - 101: Side Window to Side Window: 20' separation in lieu of the required 40' for lots;

2. Variance for Lots 13 - 24: Rear Window to Rear Window: 30' separation in lieu of the required 40:

D. Variance for Lots 1 - 101: CMDP Section V.B.6.b pursuant to Section 504 B.C.Z.R. to permit Window to Property Line separation of 7.5' in lieu of the required 15'

E. Variance for Lots 1, 2, 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 90, 91, 92, 93, 97, 98, 99, and 100: CMDP Section V.B.6.a. pursuant to Section 504 B.C.Z.R. to permit Window to Street Right-of-Way Separations of 20' in lieu of the required 25'

F. Variance for Lots 1, 2, 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 90, 91. 92, 93, 97, 98, 99, and 100: CMDP Section V.B.8.b pursuant to Section 504 B.C.Z.R. to permit Garage Carport Setback Separations as follows:

Garage to Street: 20' separation in lieu of the required 22'

Assuming Part I of Lyonswood South Variances are granted, the following variances for projections into yards are requested:

Section 301.1 B.C.Z.R. for Projections into Yards to permit open, unroofed decks or patios to project into required yards, as set forth in Part I above, all in lieu of the required 25

percent maximum as follows:

A. Variance for Lots 1, 2, 3, 4, 6, 7, 9, 10, 51, 52, 53, 54, 55, 67, 68, 69, 70, 71, 72, 75, 76, and 100: Window to Tract Boundary: Building setback per variance is 30'. Variance request of 15' in lieu of the required 22.5' and normal 26.25'

B. Variance for Lots 1, 2, 3, 4, 6, 7, 9, 10, 51, 52, 53, 54, 55, 67, 68, 69, 70, 71, 72, 75, 76, and 100: Building to Tract Boundary: Variance request of 15' in lieu of the required

C. Variance for Lots 1 - 101: Window to Side Lot Line: Building setback per variance is 7.5'. Variance request of 4' for decks and 2' for patios in lieu of the required 5.63' and normal

D. Variance for Lot 1 - 101: Rear Lot Line: Building setback is 15'. Variance request of 4' for decks and 2' for patios in lieu of the required 11.25'

E. Variance for Lots 1, 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 62, 63, 64, 65, 66, 67, 96, 97, and 98: Window to Street Right-of-Way Winands Road and Future Road Right-of-Way Reserve: Building setback is 25'. Variance request of 15' in lieu of the required 18.75'

91-330-4

DAFT MCUINE WALKER, INCl. (2004) a closin viscana Average of work Marship (1,110) of 1,000,000 (1AX and 1,000) and Land Planning & Development Considiants

To Accompany Petition for Zoning Variances 34.29 Acre Parcel, Blackhorse Run Joint Venture Property, North Side of Winands Road at Tulsmere Road, Second Election District, Baltimore County, Maryland

Land Plannina Surrenna - Computer Desian

Beginning for the same on the north side of Winands Road, at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Winands Road with the centerline of Tulsmere Road (1) Easterly along said centerline of Winands Road 590 feet, more or less, and thence (2) Northerly 25 feet, more or less, to the point of beginning, thence leaving said beginning point, and binding on the northeast side of Winands Road, referring all courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District, (1) North 72 degrees 54 minutes 16 seconds West 850.46 feet to the easternmost end of the highway widening for Winands Road as shown on Baltimore County Bureau of Land Acquisition Plats RW 81-366, RW 81-388-5 and RW 81-388-6, thence binding thereon the three following courses and distances, viz: (2) North 12 degrees 18 minutes 48 seconds East 16.93 feet, thence (3) Westerly by a curve to the left with a radius of 535.00 feet, for a distance of 78.97 feet, (the arc of said curve being subtended by a chord bearing North 89 degrees 09 minutes 40 seconds West 78.90 feet) thence (4) Northwesterly by a curve to the right with a radius of 665.00 feet, for a distance of 370.26 feet, (the arc of said curve being subtended by a chord bearing North 77 degrees 26 minutes 26 seconds West 365.49 feet) thence leaving the northeast side

of Winands Road and running the three following courses and distances, viz: (5) North 21 degrees 53 minutes 25 seconds East 253.73 feet, thence (6) North 50 degrees 49 minutes 20 seconds West 192.90 feet and thence (7) South 22 degrees 22 minutes 03 seconds West 275.34 feet to the northeast side of Winands Road as widened and shown on Baltimore County, Bureau of Land Acquisition Plats RW 81-388-3 and RW 81-388-4, thence binding on said northeast side of Winands Road, the two following courses and distances, viz: (8) Northwesterly by a curve to the left with a radius of 635.00 feet, for a distance of 148.85 feet, (the arc of said curve being subtended by a chord bearing North 68 degrees 07 minutes 41 seconds West 148.51 feet) and thence (9) North 74 degrees 50 minutes 37 seconds West 455.43 feet, thence leaving the northeast side of Winands Road and running the following five courses and distances, viz: (10) North 30 degrees 28 minutes 58 seconds East 639.50 feet, thence (11) North 62 degrees 03 minutes 21 seconds West 149.29 feet, thence (12) North 49 degrees 10 minutes 11 seconds East 110.00 feet, thence (13) South 73 degrees 22 minutes 50 seconds East 2023.33 feet and thence (14) South 17 degrees 28 minutes 37 seconds West 774.27 feet to the point of beginning; containing 34.29 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE. January 8, 1991 Project No. 89143.A (L89143A)

Page 2 of 2

	Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towsan, Maryland 21204		Account: R-001-6150 Number	919991
to				
•				
A			· · · · · · · · · · · · · · · · · · ·	
	e de la companya de l	•		
	n de la companya de			
	Please Make Checks Payabi	e To: Baltimore	ე . აესტე ენეფიექტან County ესტე ენეფიექტანეტან	6,73,52∂ 71
No Valida	Mon			

Detre Control	County Office Building 111 West Chesapeake Ave Towson, Maryland 21204			Account: R-001-6150 Number	1330-A
₹					
		Please Make Chec	ks Payable To: Baltimo	ԴԿA(Կ-#U0156(.: RÉC № წ9₽%)034:(3En07-12-91	\$:150 . 90

Baltimore County

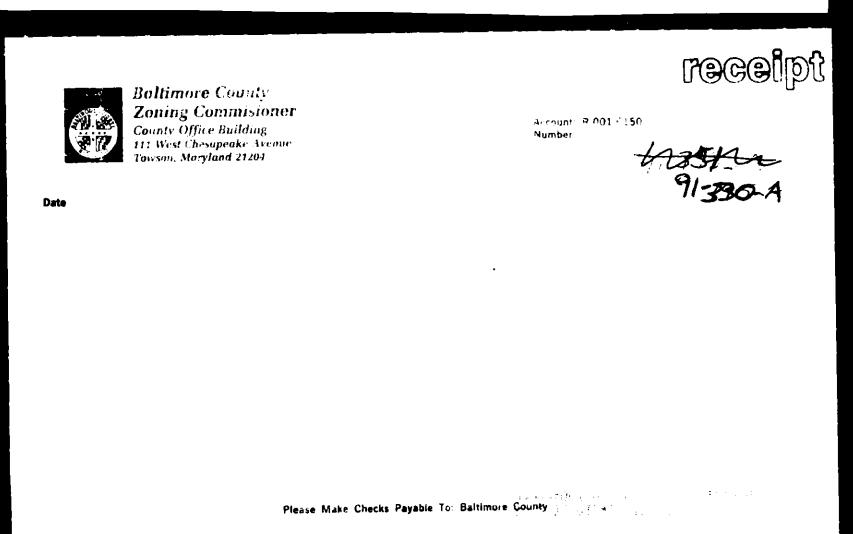
CERTIFICATE OF POSTING

91-310-12

Date of Posting 11 acres 125 1991 Location of Signer Medile rede of Managember Assily opposite frebeniste Date of return: March 29 1991

CERTIFICATE OF POSTING ING DEPARTMENT OF BALTIMORE COUNTY

Location of Signer 1910 The modes for Transaction of Signer 1910 to the first transaction of Signer 1910 to the signer of the si 5 ud mono prin Remarks:



Baltimore County		re(celipt
Zoning Commisioner County Office Building 111 West Chesapeaks Avenue Towson, Maryland 21204	G	Account: R-001-6150 Number	
4/19/91		1	
FUBLIC HEARING FEES	QTY	PRICE	
080 -FOSTING SIGNS / ADVER	TISING 1 X	≨30e.32	
LAST NAME OF CWNER: BLACKH	f TOTAL: ORSE PUN 77	\$306.3 2	

The second secon

the second of th

04A04#0119MICHRC

ENERGY STATE and the second seco

The second secon

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of weeks, the first publication appearing on _

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a

or Battimore Courty will note a public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapeake Av-enue in Towson, Maryland 21204

Case number: 91-330-A N/S Windards Road, 590' E of c/l Tulsemere Road Lyonswood South 2nd Election District

Venture Hearing Date: Friday April 19, 1991 at 2:00 p.m.

Variances (Part I)—for build-ing separations for lots 1-101 Inclusive: buildings to edjoining lot garage - 10.5 ft. separation in

lieu of the required 30 ft. for heights between 25 ft. and 30 ft. building to building - 20 ft. separation in lieu of the required 30 ft. for

heights between 25 ft and 30 ft. building to building - 20 ft. separation in lieu of the required 30 ft. for heights between 25 ft. and 30 ft.

garage to adjoining lot garage 10.5 ft. separation in lieu of the required 16 ft. for heights between zero ft. and 20 ft.; for lots 6, 7,

67,75, 76 and 100 to permit window to tract boundary separa-tions of 30 ft. in lieu of the re-

quired 35 ft.; to permit window to window asparations: for lots 1-101 - sidw window to side win-dow - 20 ft. asparation in lieu of the required 40 ft., for lots 13-24

rear window to rear window oo ft. separation in lieu of the required 40 ft.; for lots 1-101: to permit window to properly line separation of 7.5 ft. in lieu of the requied 15 ft.; for lots 1-5, 8-11, 14-36, 40-61, 64-66, 68-80, 83-87, 90-93, and 97-100: to permit window to the reserved to the reserved

mit window to street right-of-way separations of 20 ft. in lieu of the required 25 ft.; for lots 1-5, 8-11, 14-36, 40-61, 64-66, 68-80,

83-87, 90-93, and 97-100: to per-

83-87, 90-93, and 97-100, to permit garage carport setback separations - garage to street - 20 ft. separation in lieu of the required 22 ft.. (Part II - Assuming Part I variances are granted)—for lots 1-4, 6-7, 9-10, 51-55, 67-72, 75-76, and 100: window to tract boundary - (building setback per variance is 30 ft.), request of 15 ft. in lieu of the required 22.5 ft. and normal 26.25 ft.: for lots 1-5, 6-7, 9-10, 51-55, 67-72, 75-76.

6-7, 9-10, 51-55, 67-72, 75-76, and 100: building to tract boundary - request of 15 ft. in lieu of required 22.5 ft.; for lots 1-101: window to side lot line - (building setback per variance is 7.5 ft.), request of 4 ft. for decks and 2 ft. for patios in lieu of the required 5.63 ft. and normal 11.25 ft.; for lots 1-101: rear lot line - (building setback is 15 ft.), request of 4 ft. for decks and 2 ft. for patios in lieu of the required 11.25 ft.; for lots 1, 27-31, 34-48, 50-51, 62-67, and on each windows to street right-of-

27:31, 34-85, 50-51, 52-57, 34-85, 96-96: window to street right-of-way Winands Road and future road right-of-way reserve - (build-ing selback if 25 ft.), request 15 ft. in lieu of the required 18.75 ft.

7 181.32

CERTIFICATE OF PUBLICATION

TOWSON, MD., 326, 1994 THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on -21 .19

\$ 181 32

quired 40 ft.; for lots 1-101: to per-mit window to property line sepaation of 7.5 ft. in lieu of the requied 15 ft.; for lots 1-5, 8-11, 14-36, 40-61, 64-66, 68-80, 83-87, 90-93, and 97-100; to permit window to street right-of-way separations of 20 ft. in lieu of the required 25 ft.; for lots 1-5, 8-11, 14-36, 40-61, 64-66, 68-80, 83-87, 90-93, and 97-100; to permit garage carport setback sepa-rations - garage to street - 20 ft. separation in lieu of the required 22 ft.. (Part II - Assuming Part variances are granted)--tor lott 1-4, 6-7, 9-10, 51-55, 67-72 75-76, and 100: window to tract boundary - (building setback per variance is 30 ft.), request of 15 ft. in tieu of the required 22.5 ft. and normal 26.25 ft.; for lots 1-5. 6-7, 9-10, 51-55, 67-72, 75-76. 6-7, 9-10, 51-55, 67-72, 75-76, and 100: building to tract boundary - request of 15 ft. in lieu of required 22.5 ft.; for lots 1-101: window to side lot line - (building setback per variance is 7.5 ft.), request of 4 ft. for decks and 2 ft. for patios in lieu of the required 5.63 ft. and normal 11.25 ft.; for lots 1-101: rear lot line - (building setback is 15 ft.), request of 4 ft. for decks and 2 ft. for patios in lieu of the required 13.5 ft. for lots 1.5 ft. ft. for lieu of the required 13.5 ft. ft. for lieu of the required 13.5 ft. ft. for lieu of the required 13.5 ft. ft. for lieu. or dects and 2 ft. for passes inter-of the required 11.25 ft.; for lots 1, 27-31, 34-48, 50-51, 82-67, and 98-98; window to street right-of-way Winands Road and future road right-of-way reserve - (build-ing setback if 25 ft.), request 15 ft. in lieu of the required 18.75 ft. J. ROBERT HAINES Zoning Commissioner of Baltimore County O/J/3/188 March 21.

NOTICE OF HEARING

The Zoning Commissioner of Beltimore County, by suthority of the Zoning Act and Regulations of Beltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeeke Avenue in Towson, Maryland 21204 as follows:

Case number: 91-330-A N/S Windards Road, 590 of c/I Tulsemere Road Lyonswood South 2nd Election District

Hearing Date: Friday April 19, 1991 at 2:00 p.m.

Variances (Part I)-for build-

variances (Part I)—for building separations for lots 1-101
inclusive: buildings to adjoining
lot garage - 10.5 ft. separation in
lieu of the required 30 ft. for
heights between 25 ft. and 30 ft.
building to building - 20 ft. separation in lieu of the required 30 ft. for
heights between 25 ft. and 30 ft.
building to building - 20 ft. separation in lieu of the required 30 ft. for
heights between 25 ft. and 30 ft.
garage to adjoint of lot garage.

garage to adjoining lot garage 10.5 ft. separation in lieu of the required 16 ft. for heights between zero ft. and 20 ft.; for lots 6, 7, 67,75, 76 and 100 to permit windows.

dow to tract boundary separa-tions of 30 ft. in lieu of the re-quired 35 ft.: to permit window to window separations: for lots 1-101 - side window to side win-dow - 20 ft. separation in lieu of the manimum 40 ft. for inte 13-24

rear window to rear window - 30 ft. separation in lieu of the re

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

March 1, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-330-A N/S Winands Road, 590' E of c/l Tulsemere Road Lyonswood South 2nd Election District - 2nd Councilmanic Petitioner(s): Blackhorse Run Joint Venture HEARING: FRIDAY, APRIL 19, 1991 at 2:00 p.m.

Variances (Part I) -- for building separations for lots 1-101 inclusive: buildings to adjoining lot garage - 10.5 ft. separation in lieu of the required 30 ft. for heights between 25 ft. and 30 ft., building to building - 20 ft. separation in lieu of the required 30 ft. for heights between 25 ft. and 30 ft., garage to adjoining lot garage - 10.5 ft. separation in lieu of the required 16 ft. for heights between zero ft. and 20 ft.; for lots 6, 7, 67, 75, 76 and 100 to permit window to tract boundary separations of 30 ft. in lieu of the required 35 ft.; to permit window to window separations: for lots 1-101 - side window to side window - 20 ft. separation in lieu of the required 40 ft., for lots 13-24 rear window to rear window - 30 ft. separation in lieu of the required 40 ft.; for lots 1-101: to permit window to property line separation of 7.5 ft. in lieu of the required 15 ft.; for lots 1-5, 8-11, 14-36, 40-61, 64-66, 68-80, 83-87, 90-93, and 97-100: to permit window to street right-of-way separations of 20 ft. in lieu of the required 25 ft.; for lots 1-5, 8-11, 14-36, 40-61, 64-66, 68-80, 83-87, 90-93, and 97-100: to permit garage carport setback separations - garage to street - 20 ft. separation in lieu of the required 22 ft.. (Part II - Assuming Part I variances are granted) -- for lots 1-4, 6-7, 9-10, 51-55, 67-72, 75-76, and 100: window to tract boundary - (building setback per variance is 30 ft.), request of 15 ft. in lieu of the required 22.5 ft. and normal 26.25 ft.; for lots 1-5, 6-7, 9-10, 51-55, 67-72, 75-76, and 100: building to tract boundary - request of 15 ft. in lieu of required 22.5 ft.; for lots 1-101: window to side lot line - (building setback per variance is 7.5 ft.), request of 4 ft. for decks and 2 ft. for patios in lieu of the required 5.63 ft. and normal 11.25 ft.; for lots 1-101: rear lot line - (building setback is 15 ft.), request of 4 ft. for decks and 2 ft. for patios in lieu of the required 11.25 ft.; for lots 1, 27-31, 34-48, 50-51, 62-67, and 96-98: window to street right-of-way Winands Road and future road right-of-way reserve - (building setback if 25 ft.), request of 15 ft. in lieu of the required 18.75 ft.

J. ROBERT HAINES cc: Blackhorse Run Joint Venture John B. Gontrum, Esq.

Please be advised that \$306.32 is due for advertising and posting of the above

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR

THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign &

post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113,

Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Baltimore County Government

887-3353

Zoning Commissioner

Office of Planning and Zoning

111 West Chesapeake Avenue

Blackhorse Run Joint Venture

102 W. Pennsylvania Avenue, #404

N/S Winands Road, 590' E of c/l Tulsemere Road

2nd Election District - 2nd Councilmanic

Petitioner(s): Blackborse Run Joint Venture HEARING: FRIDAY, APRIL 19, 1991 at 2:00 p.m.

Towson, MD 2120+

DATE: 4-5-91

Towson, Maryland 21204

Case Number: 91-330-A

Lyonswood South

Dear Petitioner(s):

OF THE HEARING.

J. ROBERT HAINES

ZONTING COMMISSIONER BALTIMORE COUNTY, MARYLAND

cc: John B. Gontrum, Esq.

111 West Chesapeake Avenue Towson, MD (2120)

April 3, 1991

John B. Gontrum, Esquire Romadka, Gontrum, & Hennegan 814 Eastern Blvd Essex, MD 21221

RE: Item No. 295, Case No. 91-330-A
Petitioner: Blackhorse Run Joint Vent.
Petition for Zoning Variance

Dear Mr. Gontrum:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

AMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Edward A. Personette
Blackhorse Run Joint Venture
102 West Pennsylvania Avenue, Suite 404
Towson, MD 21204

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

2120+

Your petition has been received and accepted for filing this 13th day of February, 1991.

J. ROBERT HAINES
ZONING COMMISSIONER

Chairman, Zoning Plans Advisory Committee

887 4354

Petitioner: Blackhorse Run Joint Venture, et al

Petitioner's Attorney: John B. Gontrum

Lyonswood South, II-422 Page 3 March 20, 1991

> a. The proposed Lyonswood project is respective to the existing development located south of Winands Road which is in a designated community conservation area.

b. The 1989 Baltimore County Master Plan designates
Horse Head Branch as a significant link in the
countywide stream valley greenway system. The
entire flood plain or the stream buffer, which ever
is greater, should be shown as dedicated to
Baltimore County as part of the stream valley park
system.

The designated greenway area shall be clearly identified and labeled "Baltimore County Greenway Reservation," on the petitioner's approved plat.

2. Community Plan - The proposed development lies within the area designated by the Plan for Owings Mills, adopted by County Council on May 21, 1984. This plan essentially laid the framework for one of the designated growth areas in Baltimore County. The Land Use Plan shows this area as suitable for low-density residential development. One of the goals of the plan states that projects should be "...designed to assure a high standard of development..." (p. 1). General objectives include the following:

Pages 4-5 structure higher densities to achieve a wider range of objectives. These objectives include "promote accelerated development; emphasize high quality design; and minimize changes of land use adjacent to existing communities and buffer existing development with similar land use wherever possible."

 The plan also outlines land use, open space, circulation, public facilities recommendations.

The proposed development is consistent with the major goals and objectives of this plan. The compact nature of this development seeks to balance the objectives of this plan with a higher density single-family detached housing.

- Historic Preservation There are no registered landmark structures on this site.
- Basic Services The proposed development is not affected by deficient roads, water, sewer, or schools.

Lyonswood South, II-422 Page 4 March 20, 1991

B. Design

Building - The overall site layout as proposed by the applicant will necessitate in a series of variances. Regarding this particular development, staff evaluated the proposed site's layout conformance with the proposed revisions to the C.M.D.P. and zoning regulations. These changes have been included in Attachment B. The building relationships between each other, streets, and open spaces is appropriate for this type of development. The right-of-way to the Schwenker property should be extended (bulged) to abut this property. Future development from this property should access this road in order to repeat the same layout as proposed in this development.

Panhandle lots are being provided within the proposed development. All panhandle lots should show sample building layouts in order to address location and setback issues. For example, fronts should not face rears of adjoining lots. All panhandle lots within this development are subject to the requirements of County Council Bill No. 172-89.

Panhandle lots should be designed in accordance with the following Office of Planning and Zoning administrative policies:

- to the extent feasible, public roads should be designed to eliminate panhandle lots.
- buildings should be placed symmetrically on the lots to avoid site conflicts.
- building fronts should avoid facing side or rear yard of adjoining lots.
- a provision should be made on the plan to: 1) restrict fencing to no closer than ten (10) feet to the edge of paving; 2) uniform mail boxes and newspaper receptacles; (3) landscape along panhandle drives.

Landscaping - In addition to conformance with the Baltimore County Landscape Manual special treatment is being provided for Winands Road. This treatment should be adequate to provide screening of the development along Winands Road. Until Owings Mills Boulevard is constructed, landscaping of this area should be deferred. It is not known at this point in time to what extent grading of the road will have on the right-of-way. A solution would entail commitment to complete this landscaping when the road is constructed.

Office of Planning and Zoning Baltimore County, Maryland March 20, 1991

• . .

INFORMATION THENT 295

Project Number: Lyonswood South

Applicant: Black Horse Run Joint Venture

tion: North of Winans Road between Tulsmere and

Hanwell Roads
Size: 35+ acres

Zoning: D.R.3.5
Units Proposed: 101

SUMMARY AND RECOMMENDATIONS

The Office of Planning and Zoning has reviewed the applicant's requested variance, for the Lyonswood development. This particular development has already undergone community review as a result of development proposed to the north of Horse Head Branch, known as Black Horse Run. As a result of those meetings, density and use of the site were placed within covenants recorded for this parcel (Attachment A). The developer and community agreed that although the actual density was much higher, the developer would propose the use of not more than 115 single-family units.

The high density single-family detached housing on this site resulted from prior negotiations between the developer and community. Placing larger homes on smaller lots has helped reduce density and has resulted in the creation of a single-family development.

ANALYSIS

A. General Information

 Master Plan: The proposed development is located within the Owings Mills Growth Area of Baltimore County. The 1989 Master Plan states the following regarding this particular area of the county:

> इंज्या **receive**o

Lyonswood South, II-422 Page 2 March 20, 1991

Page 21, Land Use Structure map for the county, and page 92, Western Sector, Land Use Plan map shows this area as suitable for medium density urban residential development.

Page 41, shows this area as being located within a designated growth area outlined on the <u>Priority Planning Studies</u> map. "The overall purpose was to create a development pattern providing a variety of convenient living, working, and leisure opportunities for people of diverse ages, incomes and interests" (page 46).

 The project area lies directly adjacent to a designated community conservation area (p. 39, Community Conservation and Enhancement Areas map).

The project is located within an area targeted for upgraded site planning and architectural standards. A series of five policies ranging from landscaping to parks and open space, to infrastructure are outlined on page 77.

- Page 89 of the Master Plan also recommends a higher quality of development and "particular attention to...four other design-related aspects that included 1) proposed development on the lakefront, 2) the stream valley park system, 3) the livability of new residential development areas, and 4) the joint public private development possibilities at the metro stations." In addition, a series of actions to achieve these policies are also outlined.

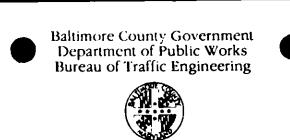
 Page 91 and 92 target this general area for increased housing opportunities for a wider range of income groups as outlined in <u>Issue</u>: Housing in <u>Owings Mills</u>.

The entire Lyonswood project actually spans Horse Head Branch which roughly divides the site into northern and southern parcels. The density of the overall project which had initially proposed higher density housing for this particular parcel generated a lot of community concern. As a result of a series of meetings between the applicant and the community a series of restrictive covenants was drafted to regulate housing type and density on this particular parcel. In regard to the 1989 Master Plan, the Office of Planning and Zoning finds that:

Lyonswood South, II-422 Page 5 March 19, 1991

Signage - All signage should be in compliance with the B.C.Z.R. Variances to these regulations are generally not supported by staff.

LYONSWOO.D/TXTCMM



401 Bosley Avenue Suite 405 Towson, MD 21204 887-3554 Fax 887-5784

February 15, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 289, 291, 293, 295, 298, 303, 304, 306, 308 and 309.

Very truly yours,

Rahic J Funific

Michael S. Flanigan

Traffic Engineer Associate II

MSF/lvd





700 Fast Joppa Road, Suite 901 Towson, MD, 2120 (5500)

... 6 1601

(301) 887 (500

FEBRUARY 6, 1991

2. Potent Haines
Foring Commissioner
Office of Planning and Foring
Paltinuse County Office Euliding
Towson, MP 21204

AD: Property Canon: FRACEPORE IEL SOINT VINTELL (LYOPSECON SOUT.)

Location: N/S MINAMES HOAD

iter her: 295 Coming Agenda: FFFrench 12, 1991

Certlerer:

Fursuant to your request, the referenced property has been surveyed by this Pureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

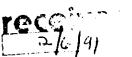
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the Mational Fire Protection Association Standard Mc. 101 "Life Safety Code", 1988 edition prior to occupancy.

Fored and

Approved Control File Trevention Europe

Exected Inspection Livision

OF/ELK



APP**EAL**

Petition for Zoning Variance

N/S Winands Road, 590' E of the c/l of Tulsemere Road

(Lyonswood South)

2nd Election District - 2nd Councilmanic District

BLACKHORSE RUN JOINT VENTURE - Petitioner

Case No. 91-330-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. & 2. Plan and Plat to accompany petition & Alternative detached garage layout

3. CRG Plan Lyonswood

4. CRG Comments

5. CRG Plan (Sheets 1 - 7)

6. Restrictive Covenant Agreement

7. Video Tape

8. Alternative Study "A" (Sheets 1 - 4)

Deputy Zoning Commissioner's Order dated May 30, 1991 (Granted w/

Notice of Appeal received June 28, 1991 from Max Oppenheimer (Appeared as an interested party)

cc: Edward A. Personnette, Jr. - Blackhorse Run Joint Venture 102 West Pennsylvania, Towson, MD 21204

John B. Gontrum, Esquire - Romadka, Gontrum & Hennegan 814 Eastern Boulevard, Essex, MD 21221

Thomas H. Repsher, 200 E. Pennsylvania Avenue, Towson, MD 21204

George E. Gavrelis - Daft-McCune-Walker

200 E. Pennslyvania Avenue, Towson, MD 21204

TO: Zoning Advisory Committee DATE: February 8, 1991

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for February 12, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 291, 293, 303, 304, 306, 308 and 309.

For Item 295, the previous County Review Group Comments are still applicable. The Developer is cautioned that no permanent type construction is allowed over a County utility

For Item 289, this site is subject to comments by the Maryland State Highway Administration.

For Item 298, the previous County Review Group comments are still applicable.

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB:s

Appeal Checklist - Case No. 91-330-A
BLACKHORSE RUN JOINT VENTURE (Lyonswood South) - Petitioners
July 24, 1991

Warren Epstein - Pikeswood Civic Association 9405 Tulsmere, Randallstown, MD 21133

Page 2

Max Oppenheimer, 9505 Winands Road (RR#2), Owings Mills, MD 21117

People's Counsel of Baltimore County Rm. 304, County Office Bldg., Towson, Md. 21204

Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification:

P. David Fields, Director of Planning & Zoning Patrick Keller, Office of Planning & Zoning J. Robert Haines, Zoning Commissioner Ann M. Nastarowicz, Deputy Zoning Commissioner James E. Dyer, Zoning Supervisor W. Carl Richards, Jr., Zoning Coordinator Docket Clerk Arnold Jablon, Chief Deputy County Attorney Public Services

111 West Chesapeake Avenue Lowson MD 21200



88 3353

July 24, 1991

Baltimore County Board of Appeals County Office Building, Room 315 Towson, Maryland 21204

RE: Petition for Zoning Variance
N/S Winands Road, 590' E of the c/l of Tulsemere Road
(Lyonswood South)
2nd Election District, 2nd Councilmanic District
BLACKHORSE RUN JOINT VENTURE - Petitioner
Case No. 91-330-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 28, 1991 by Max Oppenheimer (Appeared as an interested party). All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

J. ROBERT HAINES

Zoning Commissioner

JRH:cer

Enclosures

cc: Edward A. Personnette, Jr. - Blackhorse Run Joint Venture 102 West Pennsylvania, Towson, MD 21204

200 E. Pennslyvania Avenue, Towson, MD 21204

John B. Gontrum, Esquire - Romadka, Gontrum & Hennegan 814 Eastern Boulevard, Essex, MD 21221

Thomas H. Repsher, 200 E. Pennsylvania Avenue, Towson, MD 21204

George E. Gavrelis - Daft-McCune-Walker

Appeal Cover Letter - Case No. 91-330-A BLACKHORSE RUN JOINT VENTURE (Lyonswood South) - Petitioners July 24, 1991 Page 2

Warren Epstein - Pikeswood Civic Association 9405 Tulsmere, Randallstown, MD 21133

Max Oppenheimer, 9505 Winands Road (RR#2), Owings Mills, MD 21117

People's Counsel of Baltimore County Rm. 304, County Office Bldg., Towson, Md. 21204

File



County Moard of Appeals of Maltimore County

COUNTY OFFICE BUILDING, ROOM 315

111 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204

(301) 887-3180

August 6, 1991

Mr. Mordecai Bennett 9339 Edway Circle Randallstown, MD 21133

RE: Case No. 91-330-A Blackhorse Run Joint Venture

Dear Mr. Bennett:

In response to your telephone request, enclosed is a copy of the Deputy Zoning Commissioner's decision dated May 30, 1991 regarding the subject matter which has been appealed to this Board.

Should you have any further questions, please don't hesitate to call me at 887-3180.

Sincerely,

Kathleen C. Weidenhammer Administrative Assistant

encl.

9/6/91 - Following parties notified of hearing set for January 23, 1992 at 10:00 a.m.:

Mr. Max Oppenheimer
John B. Gontrum, Esquire
Mr. Edward A. Personnette, Jr.
Blackhorse Run Joint Venture
Mr. Thomas H. Repsher

Mr. George E. Gavrelis
Mr. Warren Epstein - Pikeswood Civic Assoc.
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines

J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon-Director of
Zoning Administration

1/22/92 -FAY copy of letter dtd 1/22/92 from Max Stul Oppenheimer, Appellant, to Board requesting dismissal of appeal w/attachment.

1/22/02 -FAV cony of letter from John Gontrum, Esquire, to Mr. Oppenheimer remarding above communication and protesting Board's placement of above in record;

Mr. Gontrum to be present in hearing room on scheduled date of 1/23/02 at 16:00 a.m.



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

(301) 887-3180 Room 301, County Office Bldg. September 6, 1991

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-330-A

BLACKHORSE RUN JOINT VENTURE N/s Winands Rd., 590' E of c/l Tulsemere Rd. (Lyonswood South) 2nd Election District 2nd Councilmanic District

VAR-Building/window separations, etc.; setbacks; decks; right-of-way setbacks,

5/30/91 - D.Z.C.'s Order GRANTING Petition with restrictions.

ASSIGNED FOR

THURSDAY, JANUARY 23, 1992 at 10:00 a.m.

cc: Mr. Max Oppenheimer - Protestant/Appellant

John B. Gontrum, Esquire - Counsel for Petitioner

Mr. Edward A. Personnette, Jr. -Blackhorse Run Joint Venture

Mr. Thomas H. Repsher

Mr. Warren Epstein - Pikeswood Civic Assoc.

People's Counsel for Baltimore County per file P. David Fields Pat Keller Public Services J. Robert Haines Timothy M. Kotroco James E. Dyer W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon-Director of

Zoning Administration LindaLee M. Kuszmaul Legal Secretary

County Moard of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315 OLD COURTHOUSE 111 W. CHESAPEAKE AVENUE R00M (3 TOWSON, MARYLAND 21204 400 WASHINGTON AVE. (301) 887-3180

January 23, 1992

Mr. Max Oppenheimer 9505 Winands Road (RR#2) Owings Mills, MD 21117

> RE: Case No. 91-330-A Blackhorse Run Joint Venture

Dear Mr. Oppenheimer:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County

which dismisses the subject matter.

Administrative Assistant

cc: Edward A. Personnette, Jr. John B. Gontrum, Esquire Richard Rubin, Esquire Thomas H. Repsher George E. Gavrelis Warren Esptein P. David Fields Pat Keller Lawrence E. Schmidt Timothy M. Kotroco James E. Dyer W. Carl Richards, Jr. Docket Clerk - Zoning Arnold Jablon, Director of Zoning Administration

CRG: Lyonswood South CRG Date: 1/10/91 Pre-CRG Date: 12/21/90

1. "To prove undue hardship for a use variance, the following three criteria

Applicant must be unable to secure a reasonable return or make any reasonable use of his property (mere financial hardship or opportunity for greater profit is not enough).

The difficulties or hardship is peculiar to the subject property in contrast with other properties in the zoning district. HARDSHIP WAS NOT THE RESULT OF APPLICANT'S OWN ACTIONS

2. To provide practical difficulty for an area variance, the following criteria must be met: Whether strict compliance with requirement would unreasonably

prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome. Whether the grant would be substantial injustice to applicant, as well as other property owners in district, or whether a lesser

relaxation than that applied for would give substantial relief. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured. "..."

ZONING VARIANCES - REQUIRED FORMAT AND PLANS -- Zoning variance applications will be only accepted as a <u>lot specific</u> request as shown on a <u>LOT PRIORITY</u> CHART not a relief priority list or blanket variance request as attached to the C.R.G. plan. The chart must list lots #1 - as the primary reference category with B.C.Z.R. SECTION, ORIENTATION, DESCRIPTION, PROPOSED QUANTITY, AND REQUIRED QUANTITY as a cross/quick reference category for each lot. Also, all variance requests pursuant to Section 301.1 must be based on the REQUIRED PRINCIPAL BUILDING SETBACK not the proposed varianced principal building setback. The variance requests must include scale, dimensioned, height diagrams including the component building heights and all anticipated facing elevation profiles that require a variance and are proposed in the subdivision. The required building separation profile that represent the facing elevations that will not require a variance must also be shown on the plan. Include window locations and all anticipated dwelling front orientations on the conceptional and typical building plans. Include accurate labeled proposed decks, deck options, garage and garage option locations on all varianced building lots on the conceptional building plan. Dimension all lines of subdivision that do not

AMENDED FINAL DEVELOPMENT PLAN REQUIRED -- The final development plan of Section I, must be amended pursuant to Section 1801.3.A.7 (B.C.Z.R.) prior to final zoning approval to alleviate any and all discrepancies between the approved provisory Section and the proposed layout of Section II.

conform to the typical.

SHARED DRIVEWAYS, PARKING -- The seven sets of shared driveways must be designed to provide ample outside vehicle parking and maneuvering so as not to conflict with any other dwelling access or property line and to provide an equally divided in-fee street access with recorded easements. On the multi-driveway courts, serving multiple dwelling driveways it is unclear where the overflow and visitor parking in addition to the required parking would be permitted to park.

CRG: Lyonswood South CRG DATE: 1/10/91 PRE-CRG DATE: 12/21/90

EXISTING DWELLING, BUILDINGS & PARCEL "A" -- Note on the plan print and in the notes and specifically confirm all buildings to be razed, when, and who will be responsible. Include parcel "A" as a zoning dwelling unit utilized in the density calculations.

GENERAL -- Zoning policy S-5 must be included on the plans. Also include the typical floor plans with square footages and use areas indicated on the final development plan.

Final zoning approval is contingent first, upon comment (1) and all plan comments being addressed on the C.R.G. plan; and secondly, upon the final resolution of all comments, the outcome of the requested zoning hearings and finally, the inclusion of the F.D.P. checklist information being included on the Final Development Plan.

Zoning Coordinator

WCR: jaw

INTER-OFFICE CORRESPONDENCE

Gene Neff, Director Public Works

David P. Fields, Director

Councilman, Third District

Pursuant to conversations with my Legislative Aide, Christine Botta, who attended the CRG Hearing for Lyonswood (formerly Black Horse Run) located on Winands Roads, it is my understanding that approval for this project has been granted.

In this regard, based on my discussion with my Aide, I have some concerns that all parties were not in complete agreement as to all the requirements. I am confident that normal procedures will be followed and the CRG Plan will not be signed by the Department of Public Works and Office of Planning and Zoning until the following

- variances is held and a decision made by the Zoning Commissioner's Office.
- 2. DEPRN, Storm Management Section, is fully satisfied with
- 3. The radius of the curve in Winands Road is designed for a

when I see the potential for problems I believe it is important that I make certain comments. In the past I have had a stormwater management pond fail in a subdivision in my district. Because of that experience, I am especially sensitive to this problem and believe it would save everyone concerned unnecessary aggravation, time and expense if it is done right the first time.

cc: Black Horse Run Joint Venture JAN 23 Daft-McCune-Walker The Honorable Roger B. Hayden Pat Keller, Deputy Director, OPZ Robert Covaliey, Chief, Bureau of Public Services

Rahim Famili, Traffic Engineering Danny Logan, Developers Engineering Division

DATE: January 18, 1991

Office of Planning and Zoning

C. A. Dutch Ruppersberger, III C. A. D.R. III

SUBJECT: Lyonswood CRG Hearing

requirements have been fulfilled.

- 1. A Zoning Commissioner's Hearing for all the necessary
- the revised plan, drainage maps, and calculations.
- 40 mph speed limit.

It is not my policy to intervene in the CRG process, however,

I am cognizant of and appreciate the time and effort everyone has put forth in refining this plan which creates continuity between the existing and newly proposed community.

 $\sqrt{ ext{Robert Haines, Zoning Commissioner}}$ Robert Wood, DEPRM, SWM

Note to Ann or Bob

The putition was supposed to present a modified plan of all the lite with proposed buildings (envelopes) if no variances were growthed or by fully complying with the BCZR. Also, the petitioner rejusted open projection variances per Section 301.1, but they were requested on varianced principal building scattacks; not required principal building satbacks. For further clarification, see the CRE comments which are Circle & in red.

BALTIMORE COUNTY, MARYLAND

The revised plan has been reviewed by this office for general compliance with the Baltimore County Zoning Regulations. The following comments identify many obvious

conflicts with the Baltimore County Zoning Regulations and details necessary in order to

determine compliance with these regulations. When these standard and nonstandard details and information is available or provided, it shall be the responsibility of the owner,

developer or developer's engineer to rectify all conflicts in accordance with the

comments. The intent of the developer must be clear on the C.R.G. plan and any zoning

conflicts must be identified conspicuously on the plan by a <u>lot priority chart</u> under

"Zoning Public Hearing Requests". The assistance received at the time of filing zoning

petitions and the following zoning staff comments, although they relate to the property,

are not to be construed as definitive nor do they indicate the appropriateness of any

(1.) CONTINUED MEETING RECOMMENDED -- Due to the obvious severity and extent of the

unreasonable hardship pursuant to Section 307 B.C.Z.R..

zoning variances required for approval of the plan as presented, the Zoning

as either: a modified plan is presented to the C.R.G. that would be in

conjunction with and not conflict with current required bulk and separation

requirements or the C.R.G. plan would be in conjunction with a plan that was

approved by the Zoning Commissioner after a finding of practical difficulty or

**Advisory -- "Under the authority of Section 307, B.C.Z.R., The Zoning

a. Where strict compliance with the B.C.Z.R. would result in practical difficulty

or unreasonable hardship. The court of Special Appeals in Anderson v. Board

Commissioner has the power to grant variances from height and area regulations, from

off-street parking regulations and from sign regulations, only in cases:

of Appeals, Town of Chesapeake Branch, 22 Md. App. 28, stated:

Office strongly recommends a continuance of the C.R.G. meeting until such time

REVISED PLAN KEY:

CRG DATE: 1/10/91

PRE-CRG DATE: 12/21/90

PLAN: 12/6/90

REV.: 12/31/90

(X) COMPLIANCE WITH COMMENT CHECKED

(BA) BE ADVISED (NOT NECESSARY FOR CRG

PRIOR TO FINAL ZONING APPROVAL)

APPROVAL, BUT MUST BE ADDRESSED

ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

(O) NON-COMPLIANCE IS CIRCLED

SUBJECT: COUNTY REVIEW GROUP COMMENTS

(Formerly approved as a portion

of Black Horse Run, 5/25/89)

opposite Tulsmere Road

ZONING OFFICE

PROJECT NAME: Lyonswood South

LOCATION: NE/S Winands Road.

DISTRICT: 2c3

public hearing requests:

Mitch Kellman

S-5	DOUBLE	FRONTAGE	LOTS	

A. Definition:

A lot that fronts two parallel streets, one at each end, as compared to a corner lot which is situated at the intersection of two streets.

B. Policy:

Proposed construction including accessory structures on double-frontage lots shall not be situated closer to a street right-of-way line than the setback required for a principal dwelling. In instances where street setbacks have been established by existing dwellings on adjoining properties, Section 303.1 shall be utilized to determine the average setback. Applicants who feel that maintaining this setback creates a hardship may apply for a variance to the front street setback requirement for the Zone in which they are located.

STREET	STREET	
(FRONT) EX. DWEL. ACCY. (FRONT) EX. DWEL.	ACCY	EQ. NORMA ETBACK ACANT
EX. DWEL. (FRONT)	EX. DWEL. (FRONT)	
STREET	STREET	

VENABLE, BAETJER AND HOWARD ATTORNEYS AT LAW A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS 1800 MERCANTILE BANK & TRUST BUILDING PLAZA SUITE THREE WASHINGTON D.C. OFFICE - HOPKINS PLAZA ARLINGTON, VIRGINIA 22203 BALTIMORE, MARYLAND 2(20) 2978 30: PENNSYLVANIA AVENUE, N. W. (703) 243 5000 (30)1 244 7400 WASHINGTON, D.C. 20004 (202) 662-4300 TELE . 898032 SUITE 500 2000 CORPORATE RIDGE McLEAN, VIRGINIA 22102 RICHARD M. LENABLE (839 % C)
EDWIN G. BAETJER (666 945)
ARLES MI H. HOWARD, RICHGAZI WRITER'S DIRECT NUMBER IS 244-7455 MAX STUL OPPENHEIMER, P.C. January 22, 1992 County Board of Appeals 400 Washington Avenue - Room 49 Towson, Maryland 21204

Re: Lyonswood South Gentlemen: Please dismiss the above referenced appeal. Also please place the enclosed copy of a telefax from counsel for Blackhorse in the record.

A copy of this letter and the enclosures is being mailed today.

Thank you.

11-6200/BLUCRP

5017E 1200

Sincerely Max Gul oppenheimer Appellant

MSO: ICC Enclosure ec: Richard Rubin, Esquire (by fax)

LAW FIRM ROMADKA, GONTRUM & MCLAUGHLIN, P.A. 814 EASTERN BOULEVARD BALTIMORE, MARYLAND 21221 (301) 686-8274 FACSIMILE NUMBER: (301) 686-0118

FACSIMILE COVER SHEET

NUMBER OF PAGES, INCLUDING COVER SHEET:

IP YOU DO NOT RECEIVE ENTIRE TRANSMISSION, OR IF TRANSMISSION IS ILLEGIBLE, PLEASE CALL OUR OFFICE AT (301) 686-8274.

THIS TELECOPY IS ATTORNEY-CLIENT PRIVILEGED AND CONTAINS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE PERSON(S) NAMED ABOVE. ANY OTHER DISTRIBUTION, COPYING OR DISCLOSURE IS STRICTLY PROHIBITED.

1/23/92

I've spoken with Mr. Oppenheimer this morning --his position, as expressed in his letter dated January 22, 1992, is that he has dismissed his appeal. He indicated that as of now his appeal is withdrawn.

He also indicated that the attachment to his letter was merely a document to be included in the Board's file. He did not indicate in his 1/22 letter that any agreement had been reached or that he was providing the Board with such an agreement.

He apologized for any inconvenience he may have caused the Board -he also said he was unaware that John Gontrum was still in the case until so advised by Mr. Rubin yesterday.

Our conversation ended this morning at 9:23 a.m. -- and his closing remark was that it is his position that he has withdrawn his appeal. He also indicated that he planned on calling his attorney at the termination of our conversation -- no definite indication that he would be here at 10:00 a.m., but mentioned that if he were here it would only be to discuss situation with John.

kathi

01. 22. 92 02:10 PM *VENABLE, BAETJERAHOWD PO3 Developer to confirm that existing right of way plus right-of-way to be dedicated will meet the 70' requirement described in County if trees planted at existing right-of-way line, they will need to be removed in the future after the to be planted in the future after 5' with a fit they live after 5' with a fit they : Post "Curve" signs-we will de a said the state of the said o Sufficient size and number to provide current acreening B. Discussion with PW indicates plan was to provide acreening when trees filled out (10-15 years) C. Planting to begin ASAP - pid order upon execution of a grammant - ties plante III. Municipal Water A. Developer to take all actions and pay all costs to provide public water to residence Agricul to Chi3. - W. A. Start upon execution before B. Begin process immediately; continue as promptly as possible.

C. Connection to be made and all work completed no later than when first house subdivision is connected or assessment of property in the filter of the subdivision of property is the subdivision of the subdivision o D. This oblic on should be recorded with land records and run with the land. Existing CRG agreement

A. Right to receive seme information, enforce CRG agreement as if a party to it. Olan.

DAFT MCCUNE WALKER, INC.

May 3, 1991

January 23, 1992

John Gontrum, Esq

Essex. MD 21221

Dear Mr. Gontrum,

814 Eastern Boulevard

BY TELEFAX TO 295-0931

copy you, which I did.

obligation.

the appeal.

823-4111.

Sincerely,

√original signed,

Romadka, Gentrum & Mennegan, PA

appeal. I had not received the telefax.

the zoning appeal. I have done so.

I do not mean to close the door.

Ms. Ann McLaughlin-Nastarowicz Deputy Zoning Commissioner Baltimore County Office of Planning and Zoning Towson, Maryland 21204

Re: Zoning Case 91-330 Lyonswood South

In accordance with your request for additional information related to panhandle lot home siting and side and rear yard fence, patio and deck positioning, we have attached several photographic examples for each, which would be comparable to the intended end

Envelope 1: Includes several panhandle examples, which demonstrate no front to rear orientation, the projects are the same architectural units shown on the video.

zero lot line, shows their model home rear and side yards. Tanglewood (excuse poor photos) was constructed about 1974 in

We would welcome the opportunity to provide you a guided tour of these projects at your convenience. If we can answer any questions, or provide additional materials, please telephone.

THR: 1mr

Enclosures

Mr. Mark Buda

VTNABLE BAE JER TOWS FUL

I was informed by phone at approximately 9:20 this morning that

you had telefaxed an opposition to my dismissal of my zoning

Please be advised that it is my position that there is an agreement with your clients and that its terms are reflected in the telefax sent by your office prior to the dismissal of my CRG appeal (and

upon which I relied in dismissing the appeal) which I attached to

my notice of dismissal. One of those terms requires that I dismiss

I had informed the individual whom I understand to be Lyonswood's

counsel that I would do so over a week ago, and I again talked to

him yesterday to advise him that I had done so. He asked that I

It is my position that I have complied with all of the terms of

the agreement and your client is now obligated to perform its

I do not know that it is even within the Board's power to

"undismiss" appeals, but there is an enforceable agreement and I

decline to exchange that agreement for the right to go forward with

As I told Mr. Rubin, there are aspects of the agreement that, in hindsight, I might have preferred to handle differently and, if

your client wishes to discuss a mutually agreeable modification,

I understand that you are at the Board now and I am sending this telefax to that location, with a request that it be placed in the

record and with my apologies to the Board for this inconvenience.

I would repeat that I had been dealing with another attorney whom

I understood to be Lyonswood's counsel. Since the appeal was

dismissed and I was unawae of your objection, I had not planned to attend, but if the Board wishes I will do so. I can be reached at

Max Oppenheimer, Appellant of Baltimore County

Project No. 89143.A1

Dear Ms. Nastarowicz:

result when the variances are granted.

Envelope 2: Contains fence, deck and patio examples. Cobblestone Columbia with fences between units with patios.

Vice President

cc: Mr. John Gontrum

VENABLE, BAETJER AND HOWARD

TELECOPY/TELEX COVER SHEET

V NABLE BAE TOWS

PLEASE "FANSMIT THE ATTACHED TO TELEPHONE NUMBER

CONFIDENTIALITY NOTICE

"WARNING: Unauthorized interception of this telephonic communication could be a violation of Federal and Maryland law."

The documents accompanying this telecopy transmission contain confidential information belonging to the serider which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by talephone to arrange for return of the original documents to us. MESSAGE

dismissed and I was unawae of your objection, I had not planned to attend, but if the Board wishes I will do so. I can be reached at 823-4111.

130 million 13 million

Sincerely,

foriginal signed.

Hax Oppenheimer, Appellant cc: County Board of Appeals of Baltimore County

> 9505 Winands Rd Owings Mills, MD 21117

> > June 28, 1991

J. Robert Haines Zoning Commissioner 111 West Chesapeake Ave Room 113 Towson, MD 21204

BY HAND

In re Petition for Zoning Variance N/S Winands Road, 590' E. of the centerline of Tulsemere Road (Lyonswood South), 2d election district, 2d councilmanic district

Blackhorse Run Joint Venture (Lyonswood South) Petitioners

Case No: 91-330-A

Dear Commissioner Haines:

Please note my appeal of the decision and order in the abovereferenced case (May 30, 1991). I am an adjoining property owner (9505 Winands Road, Owings Mills, MD 21117).

The filing fee is enclosed.

Thank you.

Yours truly, Max Oppenheimer

10:20.000000

9505 Winands Road Owings Mills, MD 21117 January 24, 1992 Board of Appeals

County Board of Appeals Room 49 Old Court House Towson, MD 21204

Gentlemen:

Confirming yesterday's discussion, it is not my intent to condition dismissal of my appeal on entry of the attachment to my letter into the "record". I understand that the correspondence from both Mr. Gontrum and myself will be made part of the "file", but that since I have dismissed the appeal there will be no hearing "record".

Yours truly,

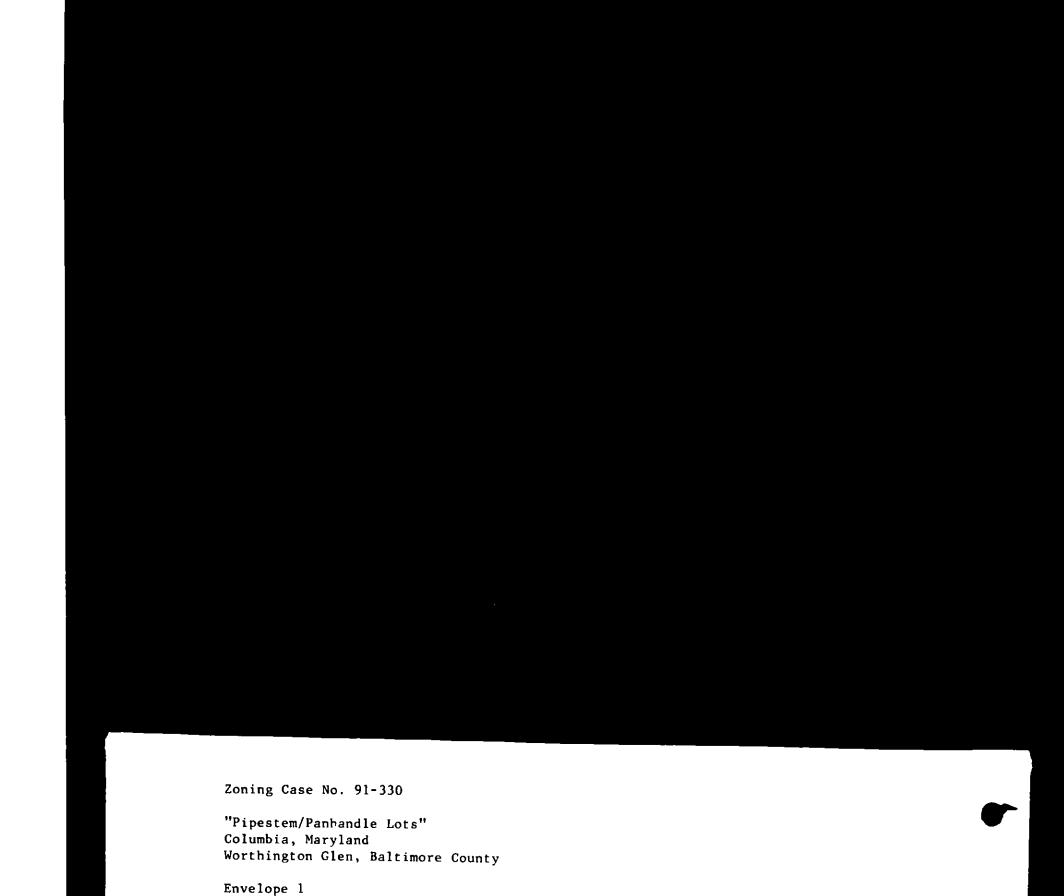
Max Oppenheimer

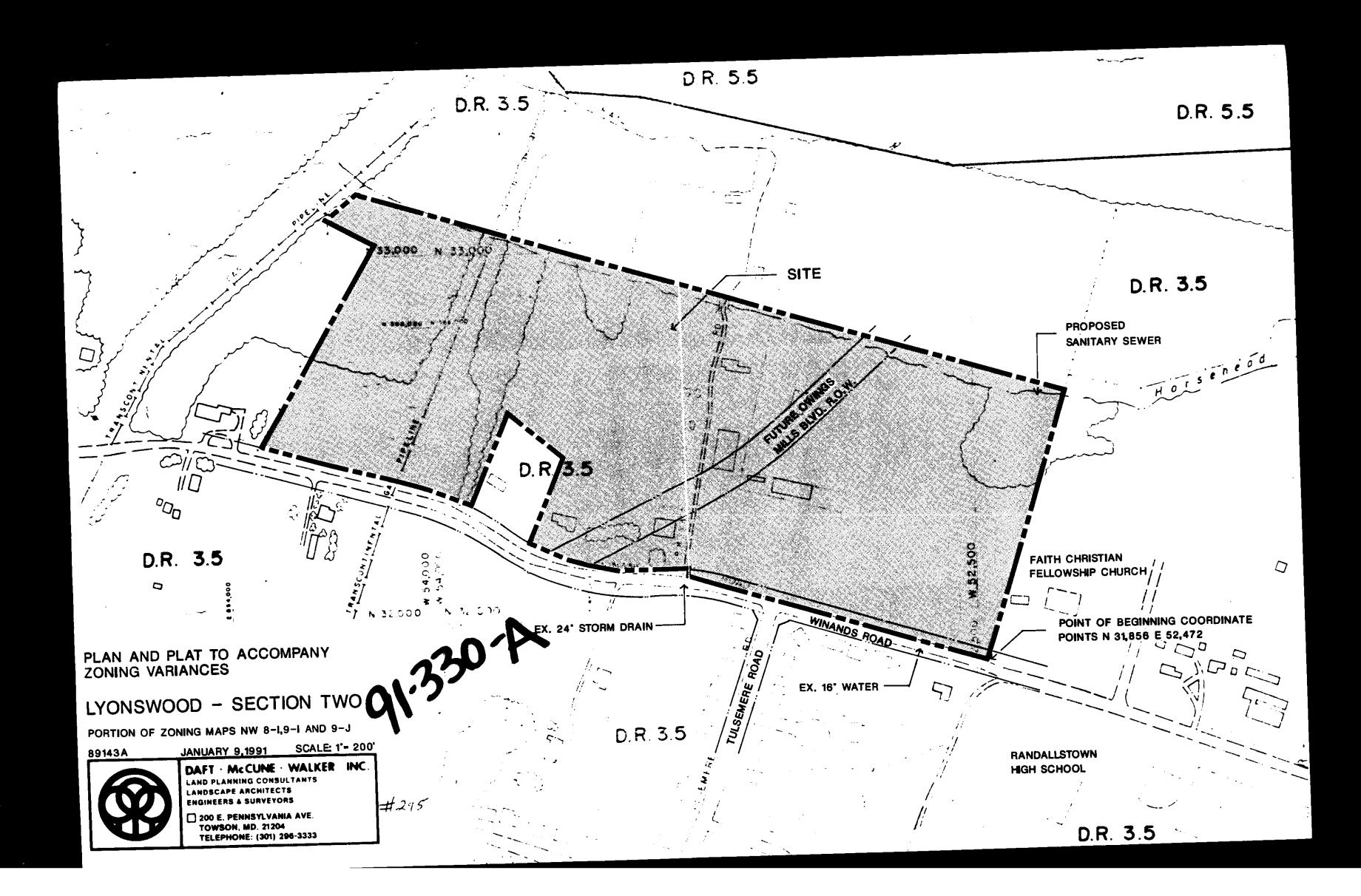
cc: John Gontrum, Esq

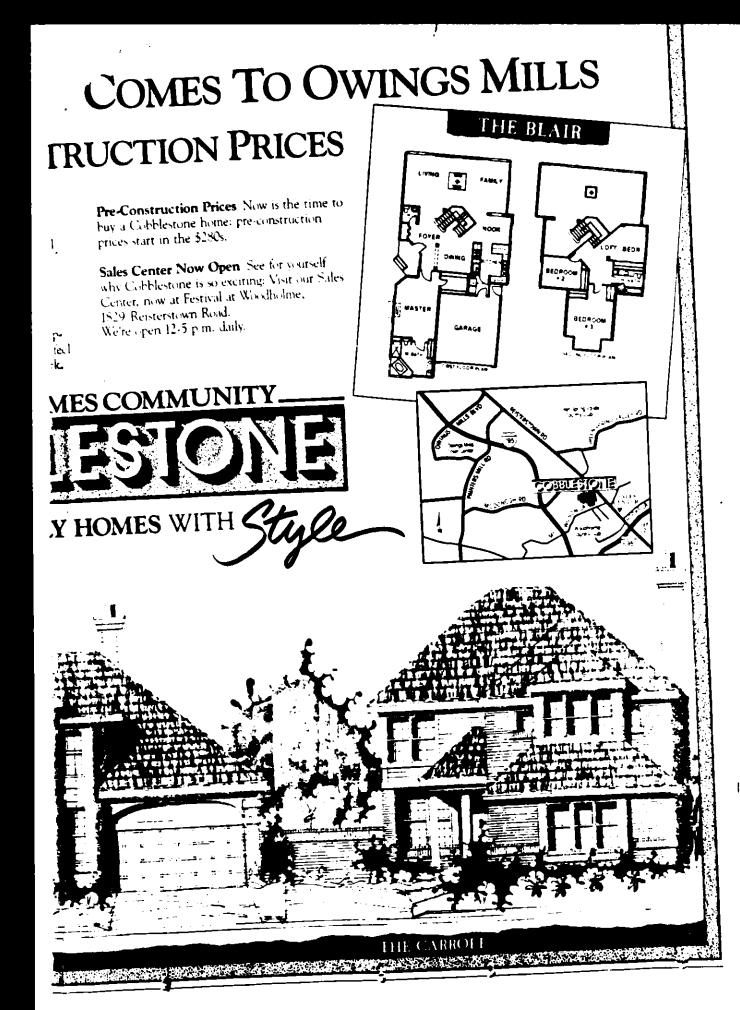
NAME	ADDRESS
MIREN FESTER	
THOMAS H. REportley	PerusyerANIA ALL Taison
George E. Gavrelis	200 E. Penn, Avenue 21204
	TO THE ZELL
LD PERSON YES	122 m Barrelle 122
	Land Carrie Mile Mile
	
	
·	
———	
~ \a\	
BARBARA J. RAMSEY STAFF WRITER	
N. 301/237-2490	
PATUXENT PUBLISHING AND WASHINGTON AND MININGTON AND MARKINGTON AN	

Intested Party PROTESTANT(S) SIGN-IN SHEET

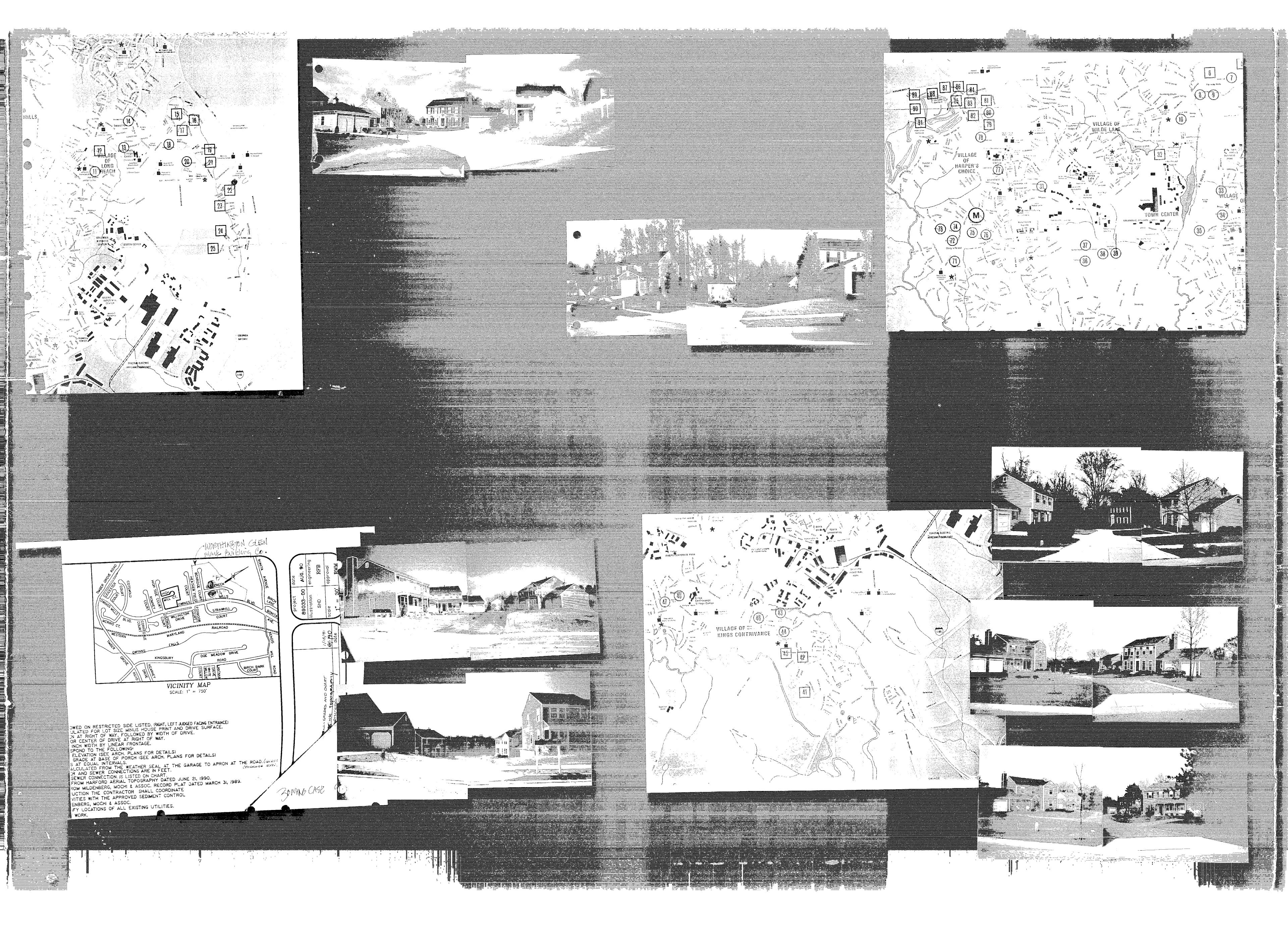
NAME	ADDRESS
Max Oppen heiner	9503 Winands Rd

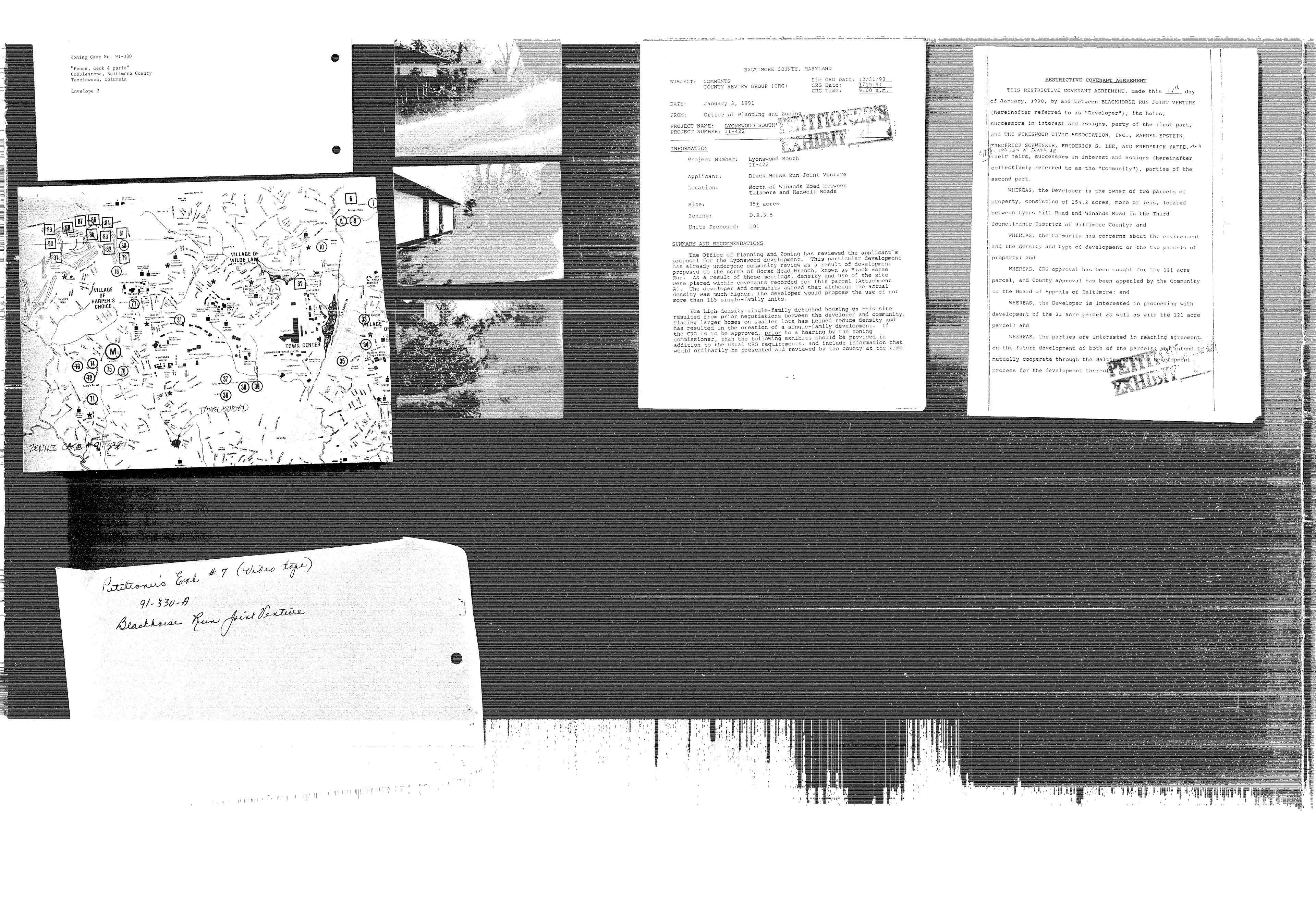


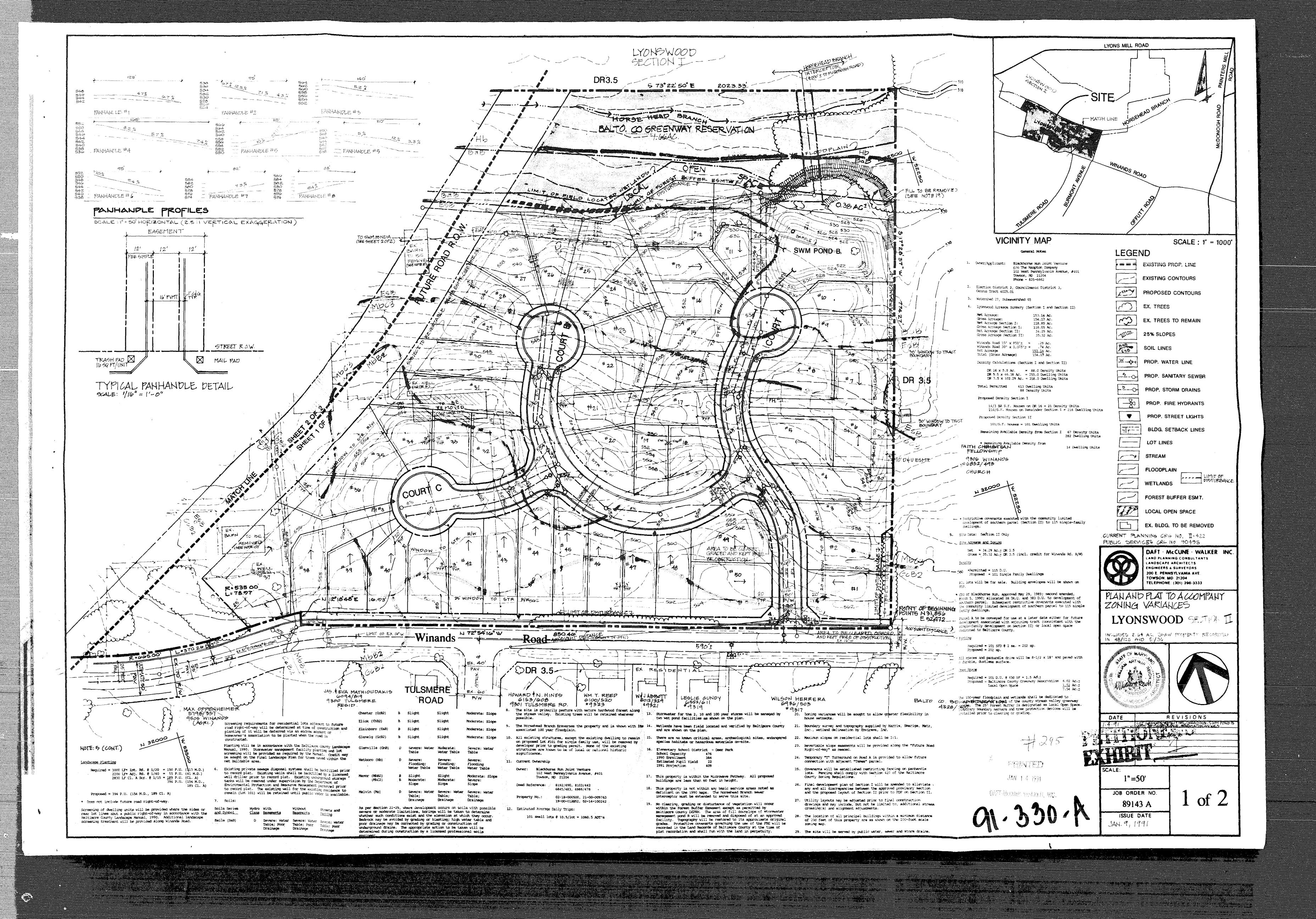












LISTING OF VARIANCES BY TYPE AND LOT

VARIANCES

PART I								PART II					
	В			D	Ε	F	A	В	C	D	E		
					8000	A							
		3 300											
				0.850									
					-				99				
		200000											
					ky.					0.000			
					0.000								
				81 W W	30 (S)								
		& 65 C								10000000			
				2 (S. 100 SS)									
									300				
**													
		80.00											
				8.45	0160								
					100								
										8,0			
					0.00								
8.00										100 miles			
		10.181.71											
					88 (2.5)								
					3. 81.8								
			!										
					0.800					6.00			
				36.00	6 (T) 600 6 (T) 6 (T)								
	-												
	•								60 6000 (130	2000 g			
										97 39 13	300 Sec. 19		
						A B C1 C2 D E	A B C1 C2 D E F	A B C1 C2 D E F	A B C1 C2 D E F A B	A B C1 C2 D E F A B C	A B C1 C2 D E F A B C D		

OT #	}		PARTI						PARTII				
	A	B	C1	C2	D	E	F	A	В	C	D	E	
51							***********						
52													
53						3 84							
54							0.00						
<u>55</u> 56													
57													
58													
59									-				
60				·									
61				-									
62													
63													
64													
65										6.000	40 Q4 (8)	400	
66													
67 68							600000000000000000000000000000000000000						
69						200							
70											600 000 000 000 000 000 000 000 000 000		
71									en se en				
72					100000					970 ag	32		
73						39328							
74	***									8.00			
75				-	¥ ·								
76					(X)	200							
77			***					<u> </u>					
78				1						3, 30, 30	dozek sesse	-	
79 80								-				<u> </u>	
81				···· <u>·</u>				 	-				
82	200000000000000000000000000000000000000					 	 -		├──			-	
83					000000000000000000000000000000000000000			}	 				
84					10 align (see 6)								
85			16.55		6,000					2000	101001		
86													
87		ļ								0.000	0.00		
88				<u> </u>			igsquare			3000 (00000			
89									<u> </u>				
90 91								·	 			1	
92	10 TO											<u> </u>	
93	000000					<u> </u>		} -				 -	
94								 	 				
95				 			1	<u> </u>	\vdash				
96				l									
97													
98			100000						<u> </u>				
99											1000		
100	1.00 (See 1)		I		F4000000000000000000000000000000000000	100000000000000000000000000000000000000	 ************************************	Bull (2000) (2000)	2 (1) (1) (1) (1)	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	4 .000 000 00000		

Variances requested for each lot

Lyonswood Section 2 Job No. 89143.A

<u>Listing of Variances Requested</u>

Part I. A. Variance for building separations for Lots 1 - 101 inclusive as follows: Section 1B01.2.C.1 B.C.Z.R. and CMDP Section V.B.3 pursuant to Section 504 B.C.Z.R. for Building Separations as follows:

- Buildings to Adjoining Lot Garage: 10.5' separation in lieu of the required 30' for heights between 25' and 30';
- 2. <u>Building to Building</u>: 20' separation in lieu of the required 30' for heights between 25' and 30';
- 3. Garage to Adjoining Lot Garage: 10.5' separation in lieu of the required 16' for heights between 0' and 20';
- B. Variance for Lots 6, 7, 67, 75, 76, and 100: Section 1B01.2.C.-2.a B.C.Z.R. and CMDP Section V.B.5.a. pursuant to Section 504 B.C.Z.R. to permit Window to Tract Boundary separations of 30' in lieu of the required 35'
- C. Section 1B01.2.C.2.b B.C.Z.R. and CMDP Section V.B.6.c pursuant to Section 504 B.C.Z.R. to permit Window to Window Separations as follows:
- 1. Variance for Lots 1 101: Side Window to Side Window: 20' separation in lieu of the required 40' for lots;
- 2. Variance for Lots 13 24: Rear Window to Rear Window:
- 30' separation in lieu of the required 40; D. Variance for Lots 1 - 101: CMDP Section V.B.6.b pursuant to Section 504 B.C.Z.R. to permit Window to Property Line separation of 7.5' in lieu of the required 15'
- E. Variance for Lots 1, 2, 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 90, 91, 92, 93, 97, 98, 99, and 100: CMDP Section V.B.6.a. pursuant to Section 504 B.C.Z.R. to permit Window to Street Right-of-Way Separations of 20' in lieu of the required 25'

F. Variance for Lots 1, 2, 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 90, 91, 92, 93, 97, 98, 99, and 100: CMDP Section V.B.8.b pursuant to Section 504 B.C.Z.R. to permit Garage Carport Setback Separations as follows:

Garage to Street: 20' separation in lieu of the required 22' Assuming Part I of Lyonswood South Variances are granted, the following variances for projections into yards are requested:

Section 301.1 B.C.Z.R. for <u>Projections into Yards</u> to permit open, unroofed decks or patios to project into required yards, as set forth in Part I above, all in lieu of the required 25 percent maximum as follows:

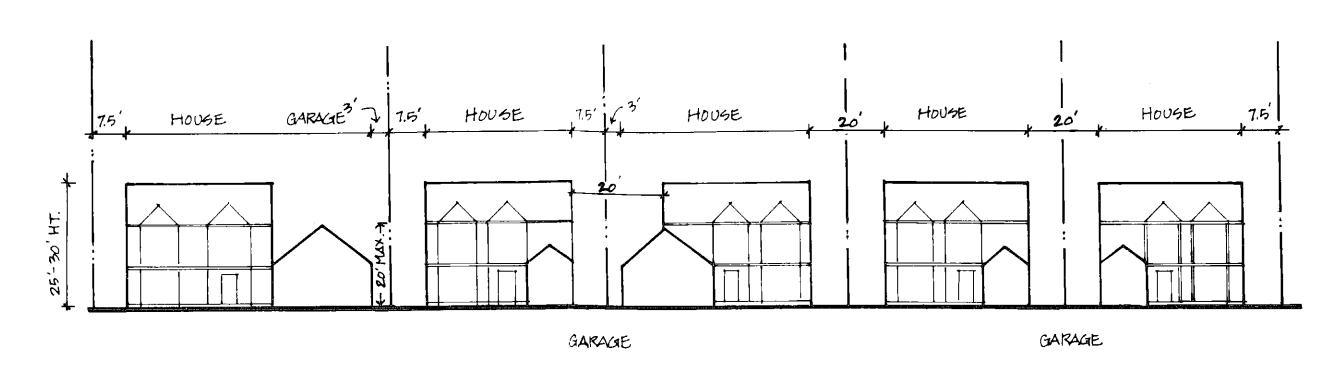
> A. Variance for Lots 1, 2, 3, 4, 6, 7, 9, 10, 51, 52, 53, 54, 55, 67, 68, 69, 70, 71, 72, 75, 76, and 100: Window to Tract Boundary: Building setback per variance is 30'. Variance request of 15' in lieu of the required 22.5' and normal 26.25'

> B. Variance for Lots 1, 2, 3, 4, 6, 7, 9, 10, 51, 52, 53, 54, 55, 67, 68, 69, 70, 71, 72, 75, 76, and 100: Building to Tract Boundary: Variance request of 15' in lieu of the required

C. Variance for Lots 1 - 101: <u>Window to Side Lot Line</u>: Building setback per variance is 7.5'. Variance request of 4' for decks and 2' for patios in lieu of the required 5.63' and normal

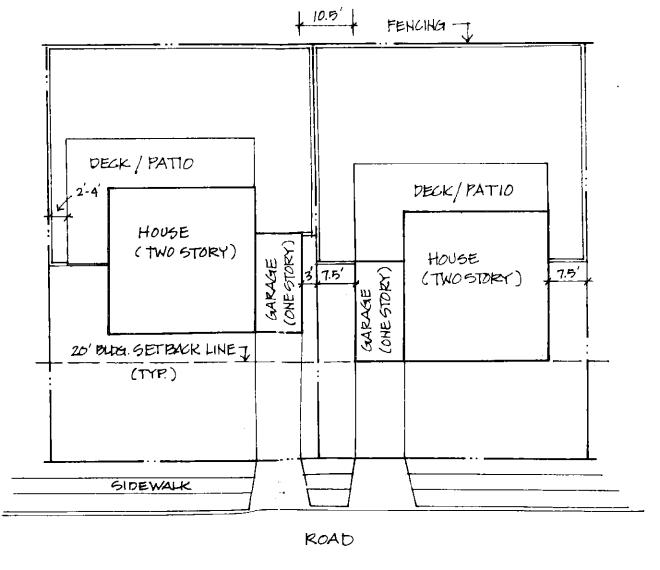
D. Variance for Lot 1 - 101: <u>Rear Lot Line</u>: Building setback is 15'. Variance request of 4' for decks and 2' for patios in lieu of the required 11.25'

E. Variance for Lots 1, 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 62, 63, 64, 65, 66, 67, 96, 97, and 98: Window to Street Right-of-Way Winands Road and Future Road Right-of-Way Reserve: Building setback is 25'. Variance request of 15' in lieu of the required 18.75'

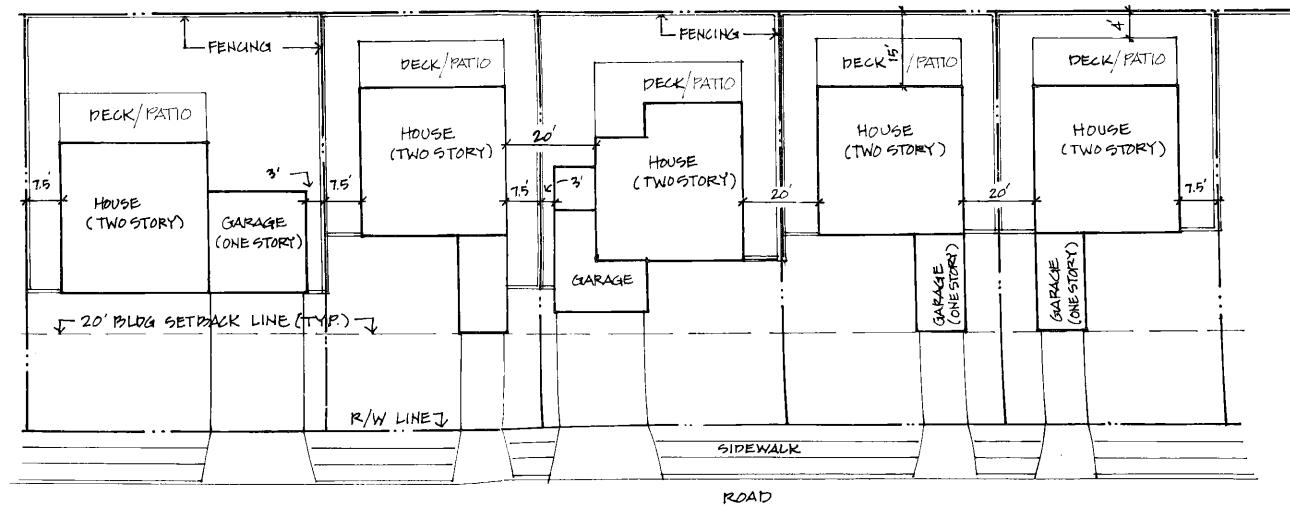


BUILDING HEIGHTS/SETBACKS

SCALE: 1 = 20

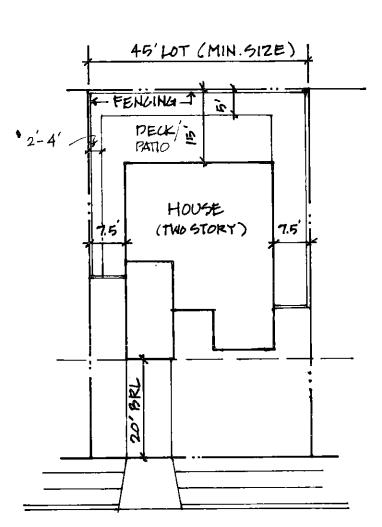


SCALE: 1"=20'



BUILDING SETBACKS

SCALE: 1 "= 20"



1. DECKS AND PATIOS SHALL NOT COVER MORE THAN

50% OF THE YARD AREA, AND SHALL BE LIMITED

2. NO DECKS SHALL BE CLOSER THAN 4 FT. TO AN

3 NO PATTO SHALL BE LOCATED CLOSER THAN 2FT

4. NO DECK OR PATIO SHALL BE LOCATED CLOSER THAN 4 FT. TO A PROPERTY LINE THAT DOES NOT HAVE A WALL OR FENCE.

TO AN ADJOINING STRUCTURE OR WALL.

EXALE: 1"=20"

TO SIDE AND REAR YARDO.

ADJOINING STRUCTURE OR WALL.

HOTES:

SCALE: 1"=20" 5. becks and patios shall not be permanently COVERED WITHOUT PRIOR APPROVAL FROM BALTIMORE COUNTY.

JAN 1 4 1991 CATAMONIA MUNICIPALINER, INC

DAFT . MCCUNE . WALKER INC

COMMON PARTY

FENCING -

PECK/

(TWO STORY

R/W J

SIDEWALK

-SINGLE CAR

DECK/

HOUSE

-20' BLOG SETBACK LINE (TYP) 7

LTWO STORY)

PATIO

TELEPHONE: (301) 296-3333 LYONSWOOD SOUTH

• 1 j

LAND PLANNING CONSULTANTS LANDSCAPE ARCHITECTS

200 E. PENNSYLVANIA AVE. TOWSON, MD. 21204

ENGINEERS & SURVEYORS

ALTERNATIVE SURFACE PRKG. PAD LAYOUT

TWO CAR

SURFACE

PARKING

FENCING 7

PATIO

(TWO STORY)

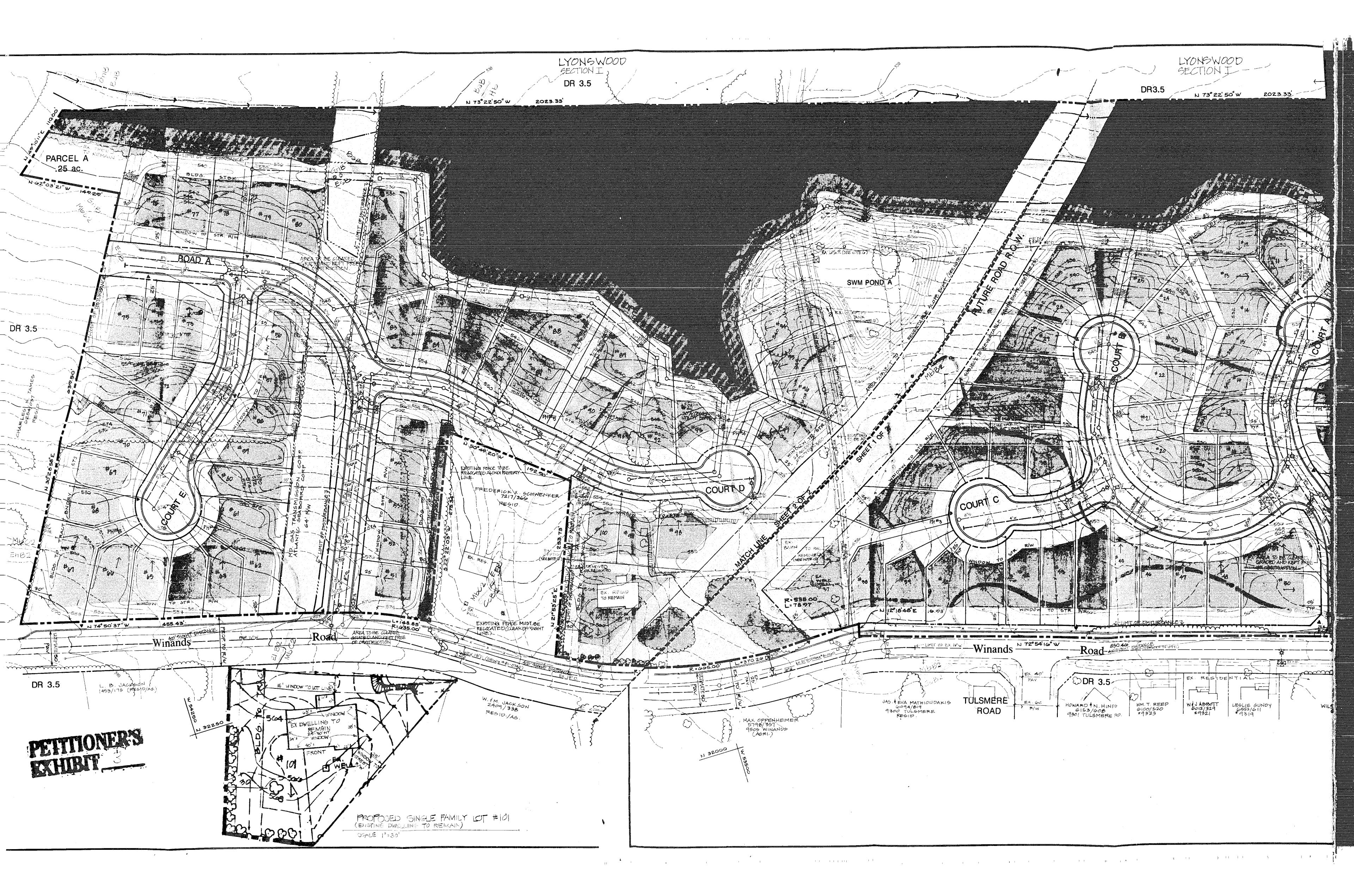
ANDSCATT

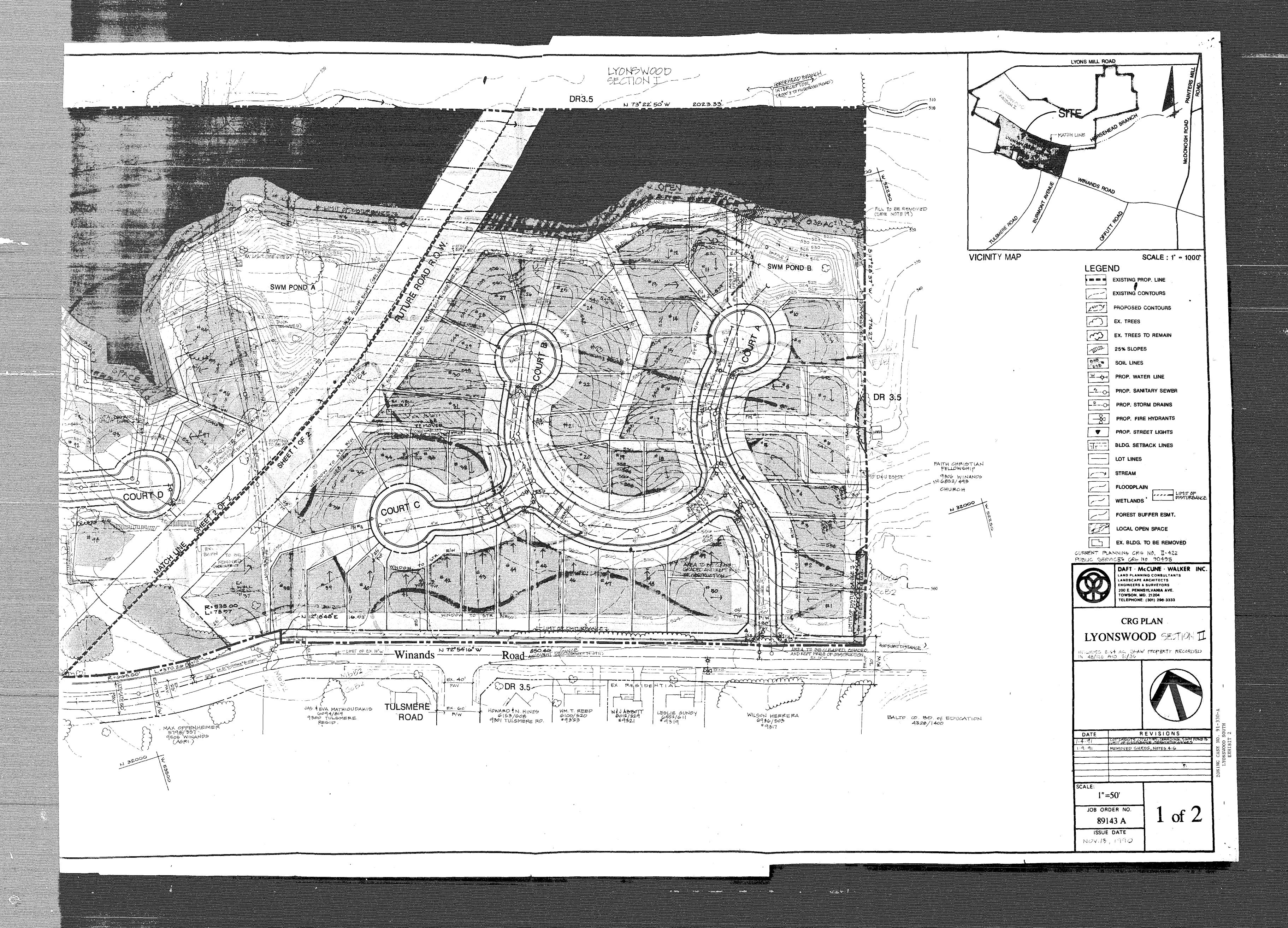
SCALE: 1"=20'

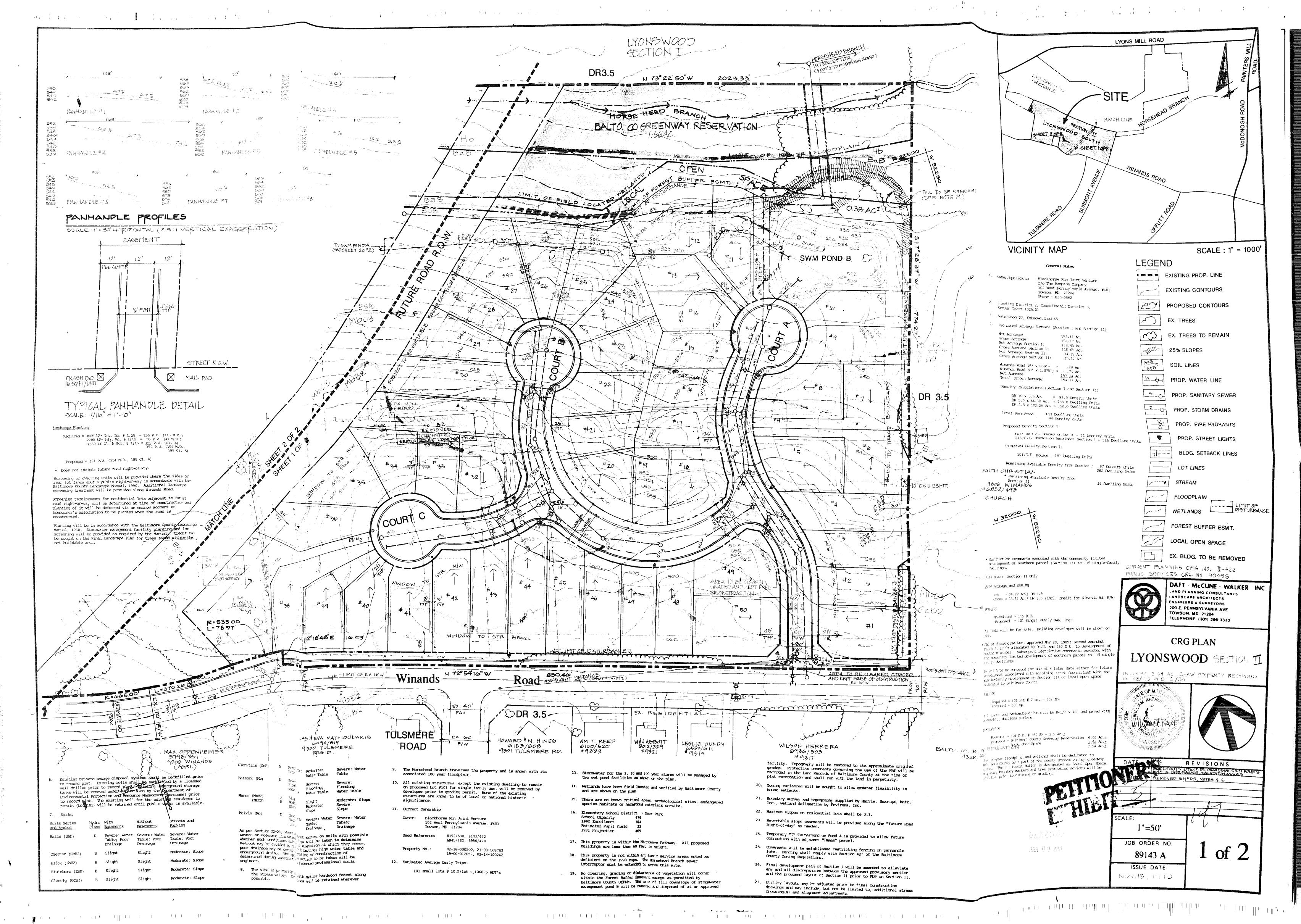
DECK/ PATIO

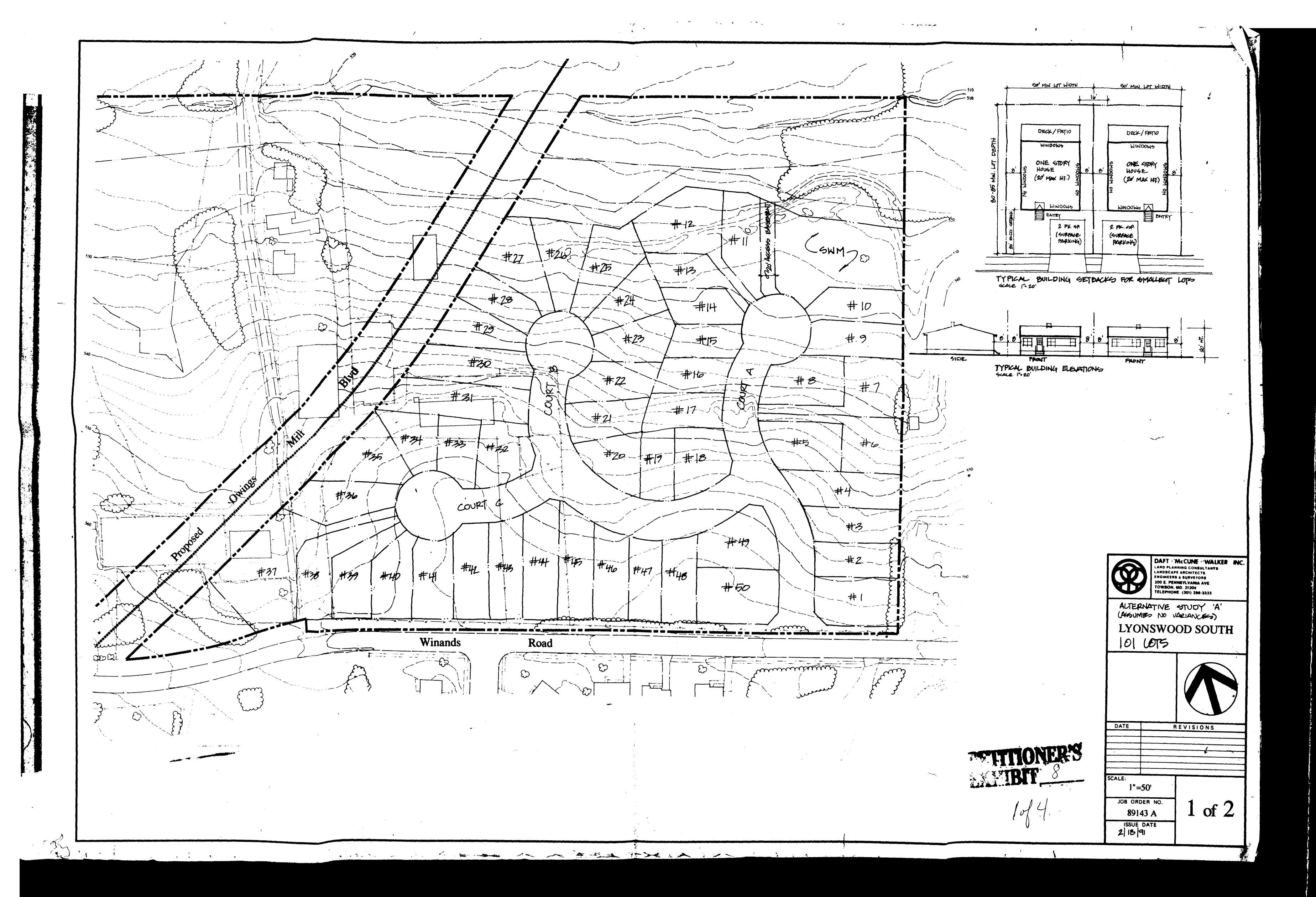
(TWO STORY)

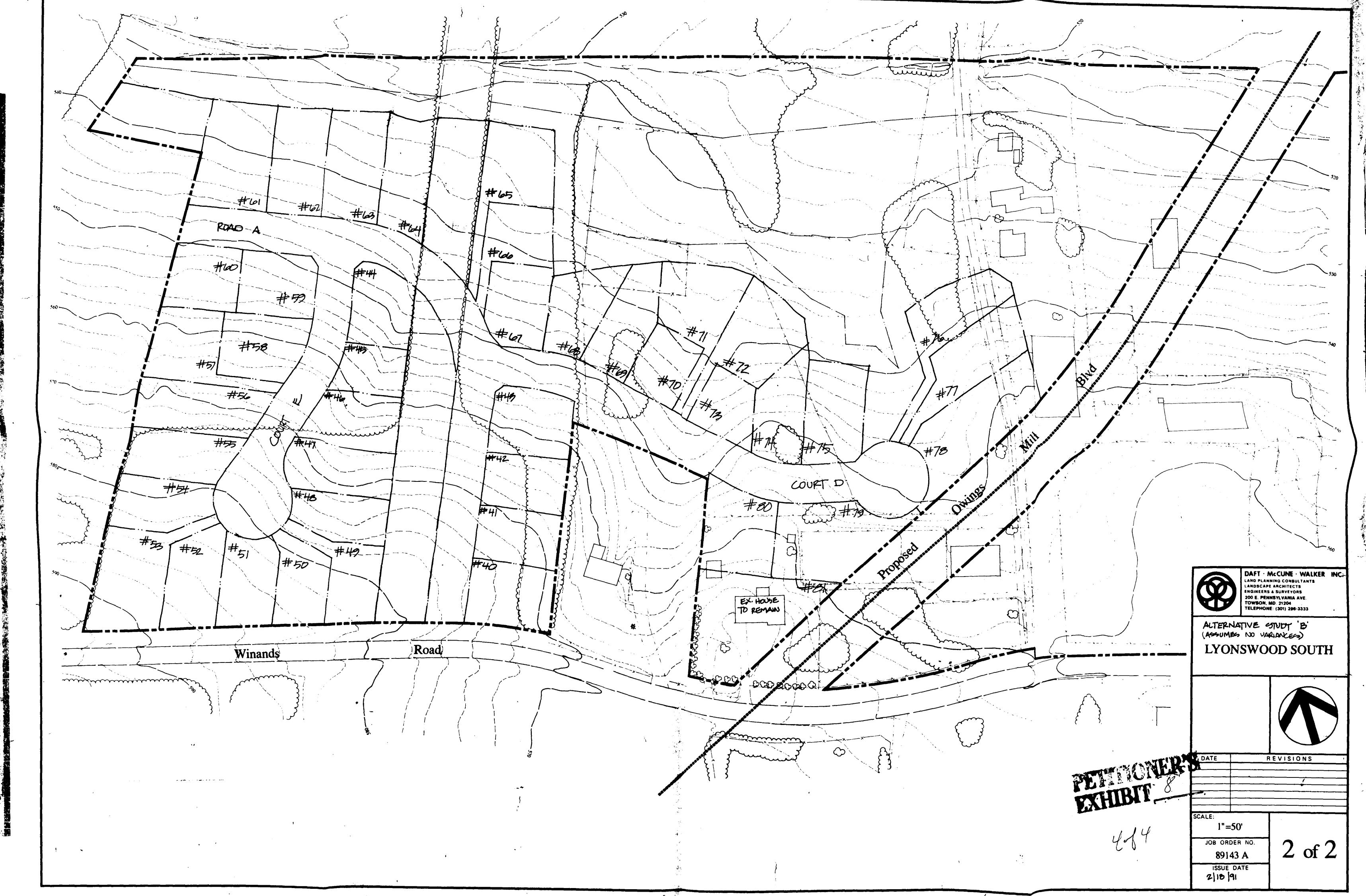
ZONING VARIANCE LATOUTS JOB#89143 A \$ DMW , 491











* 7 B 4

では、これでは、一人のでは、一人のでは、「「「「「「」」というできません。「「」」では、「「」」では、「」」では、「」」では、「」」では、「」」では、「」」では、「」」では、「」」では、「」」では、「